



## Immigrant Policy

### 2006 State Legislation Related to Immigration: Enacted and Vetoed

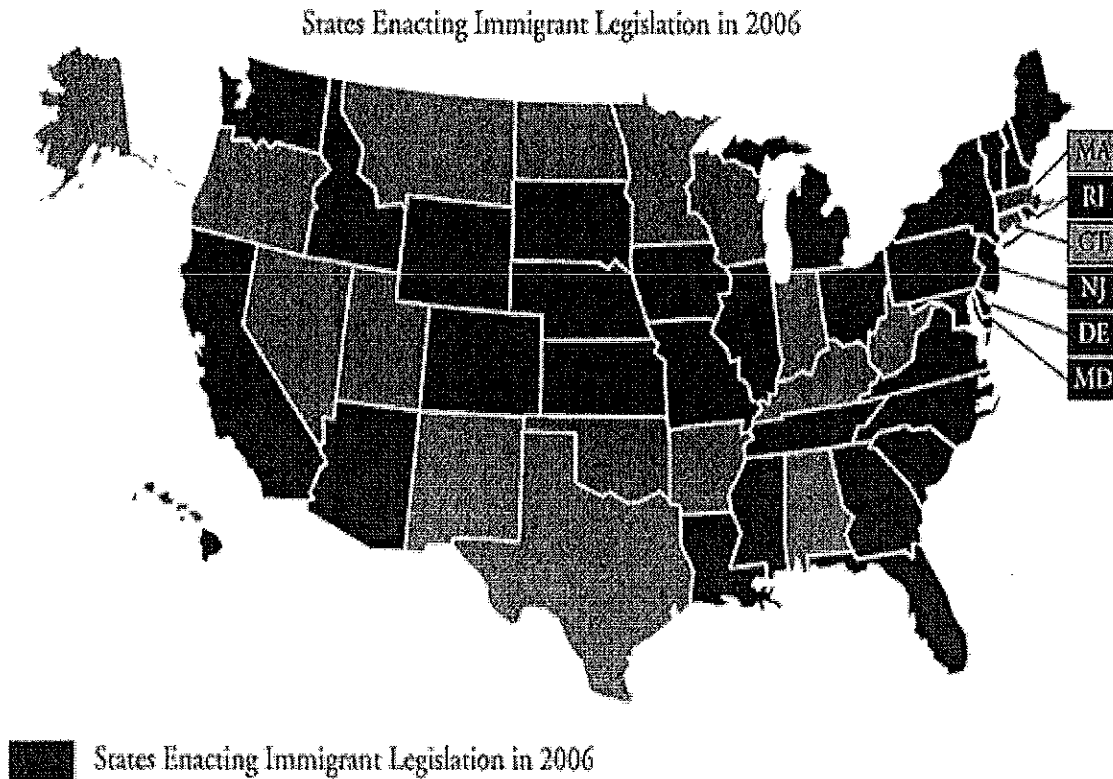
**October 31, 2006**

In 2006, **570** pieces of legislation concerning immigrants have been introduced in state legislatures around the country. At least **90** bills and resolutions passes the legislatures in 2006. **84** bills were signed into law, more than double the amount of 2005. **6** bills were vetoed. While legislation covered a wide variety of topics, many states focused on education, employment, identification and driver's licenses, law enforcement, legal services, public benefits, trafficking, and voting procedures.

Bills were enacted in **32** states: Arizona, California, Colorado, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Iowa, Kansas, Louisiana, Maine, Maryland, Michigan, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, Washington, and Wyoming.

#### ENACTED LAWS

<b>Main Topics:</b>		
Education	3 laws	3 states
Employment	14 laws	9 states
Identification/Driver's License	6 laws	5 states
Law Enforcement	8 laws	6 states
Legal Services	5 laws	5 states
Omnibus	1 laws	1 state
Public Benefits	10 laws	7 states
Trafficking	13 laws	9 states
Voting	6 laws	6 states
Resolutions	12 laws	6 states
Miscellaneous	6 laws	6 states
<b>Total</b>	<b>84 laws</b>	<b>32 states</b>



## Enacted Bills

### Education

Nebraska LB 239 (signed 4/14/2006) allows unauthorized immigrant students to qualify for in-state tuition (section 1).

Virginia SB 542 (signed 4/6/2006) establishes eligibility for in-state tuition for those holding an immigration visa or classified as a political refugee in the same manner as any other resident student. Students with temporary or student visa status are ineligible for Virginia resident status and in-state tuition (section C).

Wyoming SB 85 (signed 3/10/2006) provides scholarships to Wyoming students to attend community colleges and the University of Wyoming. The bill bars non-citizens and non-Legal Permanent Residents from receiving scholarship funding in this bill. Students whose parents have claimed foreign residency status during the student's high school attendance are also ineligible (section W.S. 21-16-1303).



### Employment

Colorado HB 1343 (signed 6/6/2006) prohibits state agencies from entering into contract agreements with contractors who knowingly employ illegal immigrants and requires prospective contractors to verify legal work status of all employees. The contractor must confirm that the Basic Pilot Program has been used to verify the status of all employees. If the contractor discovers that an illegal alien is employed, the contractor must alert the state agency within 3 days (section 1).

Colorado HB 1001 (signed 7/31/2006) requires that contractors verify the work status of their employees before

applying for economic development incentive awards. Contractors receiving awards and later found to employ unauthorized workers must repay the award and will be ineligible for another award for 5 years (section 1).

Colorado HB 1009 (signed 7/31/2006) mandates that licenses, permits, registration, certificates be issued only to lawfully present persons, and mandates removal of authorization if the applicant is found to be unlawfully present (sections 1-3).

Colorado HB 1015 (signed 7/31/2006) mandates employers to withhold 4.63% from the wages of an employee without a validated Social Security number, a validated taxpayer ID number or an IRS-issued taxpayer ID for non-resident aliens (section 2).

Colorado HB 1017 (signed 7/31/2006) requires that employers examine the work status of each new employee within 20 days of hire and retain proof that employees have legal work status. The state has the power to audit and verify the proof. Employers hiring unauthorized workers face a penalty of \$5,000 for the first offense of showing "reckless disregard" in submitting requested documents or for submitting falsified documents (section 1).

Idaho HB 577 (signed 3/11/2006) limits unemployment benefits to U.S. citizens and legal residents only (section 2).

Idaho HB 649 (signed 3/24/2006) prohibits balance billing when administering worker's compensation benefits. Benefits are available only to citizens and authorized immigrants. ("Balance billing" means billing or otherwise attempting to collect directly from an injured employee payment for medical services in excess of amounts allowable in compensable claims).

Kansas HB 2157 (signed 3/23/2006) limits unemployment benefits and employment protection status to citizens and those with legal immigration status. Immigrants who were admitted into the United States legally and completed work during this time period are also eligible for benefits for that specific time period only (section 1:4:C:m).

Louisiana SB 753 (signed 6/23/2006) allows any state agency or department to conduct an investigation of a contractor's hiring policies if the employment of unauthorized immigrants is suspected. The district attorney can issue an order to fire undocumented workers, and, if the contractor does not comply within 10 days of receiving notice, the contractor is subject to penalties of up to \$10,000. This applies only to contractors employing more than 10 people (section 1).

New York SB 6504 (signed 8/16/2006) extends the waiver of the citizenship requirement for obtaining a veterinary license until 2009.

Pennsylvania HB 2319 (signed 5/11/2006) is known as the Prohibition of Illegal Alien Labor on Assisted Project Act. The bill defines an illegal alien as one who violates federal immigration laws yet is a paid employee within the state. This bill prohibits the use of labor by illegal immigrants on projects financed by grants or loans from the state government. Appropriate federal authorities should be contacted in the event a contractor knowingly employs illegal aliens and continues to accept a state contract (section 3).

Tennessee HB 111 (enrolled 6/1/2006) prohibits contractors from contracting with state agencies within one year of the discovery that the contractor employs illegal immigrants (section 1).

Washington SB 6885 (signed 3/9/2006) excludes labor performed by nonresident aliens from the definition of "employment" when establishing unemployment insurance benefits (section 22).

Washington SB 6194 (signed 3/27/2006) acknowledges that men and women of color suffer significant inequities in almost all aspects of daily life. To address this issue, this bill mandates multicultural education for health professionals in order to increase understanding of the relationship between culture and health (section 1).



### **Identification/Drivers' License**

Colorado SB 110 (signed 5/30/2006) concerns the fabrication of fraudulent documents for legal status and identification purposes. This bill provides funding for a full-time investigator position in the attorney general's office, and implements a \$50,000 civil fine for counterfeiting identification documents (section 1).

Colorado HB 1306 (signed 5/30/2006) requires an audit of a 2003 law restricting the use of foreign identification papers, including consulate identification cards. The report would, among other things, determine if a birth certificate issued outside of Colorado should qualify as a verifiable document (section 1).

Florida HB 7079 (signed 6/22/2006) requires proof of legal immigrant status or proof of pending adjustment to legal immigrant status of driver's license applicants (section 322.08).

Maine LD 501 (signed 2/10/2006) forbids the acceptance of the following expired documents as identification for state driver's licenses: expired visas issued by the United States, expired documents issued by foreign countries, and foreign passports with an elapsed departure date.

Missouri SB 1001 (signed 6/14/2006) states that a learner's permit, driver's license, or renewal license may not be extended to a person not lawfully residing in the state (section 302.171.1).

South Carolina HB 3085 (signed 6/12/2006) mandates that an individual is guilty of fraud if another person's personal information, such as social security numbers, driver's license numbers, checking and savings account numbers, and credit and debit card numbers, is used for the purposes of gaining employment (section 16).



### **Law Enforcement**

Colorado SB 90 (signed 5/1/2006) prohibits any state or local government from enacting legislation that impedes law enforcement agencies from cooperating or communicating with federal officials concerning an arrestee who is suspected to be illegally present in the U.S. (section 1). Police officers are required to report any suspected illegal immigrant arrestees to ICE, although this does not apply to persons arrested for a suspected act of domestic violence until a conviction has been reached. The act also declares that state and local law enforcement officials should actively pursue any and all federal monies available that reimburse states for enforcing federal immigration laws. Any local government that does not subscribe to this act will not be eligible for state grants (section 2).

Colorado HB 1014 (signed 7/31/2006) instructs the state attorney general to pursue reimbursement from the federal government for all costs associated with illegal immigration, including incarceration, education, and healthcare (section 1).

Illinois SB 2962 (signed 7/3/2006) maintains that if an undocumented immigrant is found guilty of crime, the person may be deported (section 19).

Illinois SB 624 (signed 7/18/2006) states that an alien who is convicted of a felony or misdemeanor may be deported if an order of deportation has already been ordered or if deportation wouldn't lessen the crime (section 5).

New Jersey SB 2007 (signed 7/8/2006) appropriates \$5,000,000 for the State Criminal Alien Assistance Program and \$2,403,000 for the Alien Labor Certification service grant.

Ohio SB 9 (signed 3/1/2006) states that state and local authorities should comply with the U.S. Patriot Act. This bill requires that a driver's license applicant be a resident or a temporary resident of the state of Ohio (section 4507.08). The legislation requires ICE to be notified when a suspected non-citizen pleads guilty to or is convicted of a felony. The bill also requires a list of all unauthorized immigrants currently serving prison terms to be compiled and given to ICE to determine if ICE wishes to gain custody of any undocumented prisoner. Aliens currently serving prison terms should be released to the custody of ICE upon completion of their prison term (section 2909.30).

South Dakota SB 63 (signed 2/28/2006) includes ICE officers in the definition of a federal law enforcement officer (section 1).

Virginia HB 1046 (signed 4/5/2006) provides that juvenile intake officers shall report to ICE a juvenile who has been detained based on allegations of violent juvenile felony and who the intake officer has probable cause to believe is in the United States illegally.



### Legal Services/Assistance

California HB 2060 (signed 9/30/2006) establishes the Naturalization Services Program to be implemented by the Department of Community Services to, among other things, contract with and allocate funds to organizations to provide free naturalization services.

Kansas HB 2485 (signed 3/20/2006) requires notary publics to advertise that they are not authorized to practice law nor give advice as immigration lawyers (section 1). Notary publics can be terminated if their citizenship status is revoked (section 2).

Maine HB 1398/ LD 1996 (signed 5/4/2006), referred to as the Immigration and Nationality Law Assistance Act, specifies requirements for those wishing to provide immigration law services, allowing only those lawyers who have passed the bar to dispense legal immigration advice. The bill also makes state requirements the same as federal requirements for those wishing to practice immigration law (section 3). An immigration assistance provider may not state that he or she receives special privileges or expedited service from any government agency. Notary publics are required to advertise that they do not offer immigration legal services (section 4).

Tennessee HB 3069 (signed by House and Senate Speakers 6/8/2006) prohibits a notary public who is not an attorney licensed to practice law in the state from advising or assisting in selecting or completing forms affecting or relating to a person's immigration status unless that conduct is specifically authorized by federal law (section 3).

Vermont S 0182 (signed 5/2/2006) requires courts to advise defendants of immigration consequences when pleading guilty to criminal offenses. These consequences include denial of U. S. citizenship or deportation. If the court fails to alert the defendant prior to an admission of guilt, the verdict must be retracted and the defendant may enter a plea of not guilty (section 1).



### Omnibus

Georgia's SB 529 (The Georgia Security and Immigration Compliance Act) covers multiple topics and was signed by the Governor on April 17, 2006. The bill requires public employers to participate in a federal **work authorization** program for all new employees beginning July 1, 2007; subcontractors must also register and participate (section 2). The bill increases the penalties for **human trafficking** (section 3). The bill authorizes the state to negotiate a memorandum of understanding with the U.S. Department of Justice or U.S. Department of Homeland Security regarding **enforcement** of federal immigration and customs laws (section 4). If a person is charged with a felony or drunk driving and confined to **jail**, an effort shall be made to determine the nationality; if the person is a foreign national, a reasonable effort shall be made to determine that the person has been admitted into the United States lawfully (section 5). The bill also establishes and enforces standards of ethics by those that provide **immigration assistance services** who are not licensed attorneys (section 6). The bill denies certain deductible **business expenses** unless the worker has been authorized and verified to work in the U.S., beginning in 2008 (section 7). The bill requires **income tax withholding** at 6 percent for those who failed to provide a correct taxpayer identification number (section 8). State agencies must also verify the lawful presence of an individual over age 18 before awarding certain **benefits**; emergency assistance, vaccines and other programs are exempted (section 9).



### Public Benefits

Arizona HB 2448/SB 2738 (signed 4/24/2006) requires U.S. citizenship or legal immigrant status to receive health benefits. An unauthorized immigrant can receive emergency medical services only (section 1).

Arizona SB 1137 (signed 6/1/2006) limits eligibility for the Comprehensive Care for the Elderly program to citizens and those with legal alien status (section 1).

California SB 1534 (signed 9/30/2006) authorizes cities, counties, and hospitals to provide aid (including healthcare) to any person who would be eligible if not for the immigration status requirements of PRWORA.

California SB 1569 (signed 9/29/2006) extends eligibility for state and local public benefits, Medi-Cal health care and refugee cash assistance and employment services, to non-citizen victims of trafficking, domestic violence and other serious crimes, to the same extent as available to individuals admitted to the United States as refugees. This bill requires the State Department of Social Services to adopt regulations, which may be emergency regulations, as specified, to implement these provisions no later than July 1, 2008.

Colorado HB 1002 (signed 7/31/2006) mandates that unauthorized immigrants should receive services including the investigation, identification, testing, preventive care, and treatment of epidemic or communicable disease, including TB, HIV, AIDS, and venereal diseases (sections 1-7).

Colorado HB 1023 (signed 7/31/2006) restricts public benefits from those who are not U.S. citizens or Legal Permanent Residents. Applicants for public benefits **who are eighteen years old or older** must show a valid ID, such as a Colorado driver's license or ID card, military ID, etc., **before** receiving benefits. Restricted benefits include: retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, and unemployment. All Colorado residents, regardless of legal status, can receive emergency medical services, immunizations and treatments for communicable diseases, other services necessary for life and safety, pre-natal care, and short-term emergency relief. Use of the SAVE verification program is required. If caught using false information or fraudulent documents in order to receive benefits, an offender could face up to a year and a half in jail and a \$5,000 fine for each offense (section 1).

Hawaii HB 2966 (signed 6/9/2006) amends public housing rules and regulations to restrict down payment and mortgage loans to legal aliens, and defines 'qualified applicant' as one who is a citizen or resident alien (part II).

Maine's HB 1242/LD 1734 (signed 3/16/2006) is entitled "An Act to Increase Accessibility to Health Insurance," and defines a person as "legally domiciled" in the state if one has a resident visa (section 1). The bill allows those non-citizens who have resident visas and who are living in Maine to be eligible for Medicare coverage (section 2).

Maryland HB 89 (signed 5/2/2006) requires the Governor to support the Maryland Medical Assistance Program for healthcare services for specified legal immigrant children under 18 and pregnant women in the annual budget, beginning in FY 2008. At least \$3 million shall be appropriated each year to provide these services. Pregnant legal immigrant women who entered the country after August 22, 1996 and who meet eligibility guidelines for federal and state medical assistance programs qualify (section 2).

Rhode Island HB7120 (enacted 6/30/2006) provides that no new non-citizen child be enrolled in the Rhode Island Medicaid program after December 31<sup>st</sup>, 2006 (40-8-1(d)).



### Trafficking

Colorado SB 206 (signed 5/30/2006) makes smuggling humans a Class 3 felony, unless the adult is an illegal immigrant, which makes the offense a Class 2 felony. Smuggling includes offering transportation to someone of illegal residency status to enter, pass through, or remain in either the United States or Colorado in exchange for money. A separate offense is brought against the smuggler for each person assisted (section 1).

Colorado SB 207 (signed 5/30/2006) makes human trafficking a crime and increases penalties. Trafficking a human includes selling, exchanging, bartering or leasing an adult (16 years old or older) in exchange for money. Trafficking also includes receiving the services of an adult in exchange for money (section 1). Trafficking of any child under the age of 16 results in a Class 3 felony (section 2).

Colorado SB 225 (signed 6/6/2006) creates a division in the Colorado State Patrol Department of Public Safety to address human smuggling and human trafficking on state highways (section 1).

Colorado SB 004 (signed 7/31/2006) includes threats to report a person's immigration status to law enforcement officials in the definition of extortion (section 1).

Colorado SB 005 (signed 7/31/2006) makes threatening the destruction of immigration or work documents or threatening the notification of law enforcement officials of undocumented status in order to force a person into labor or services, with or without compensation, a Class 6 felony (section 1).

Florida SB 250 (signed 6/12/2006) makes human trafficking a crime. Trafficking includes threatening to destroy or destroying immigration documents for the purposes of forced employment (section 1). Victims of trafficking can receive up to three times the monetary amount for their services as restitution (section 3).

Hawaii HB 2051 (signed 7/3/2006) establishes a task force to study effective strategies to combat human trafficking (section 1).

Iowa SB 2219 (signed 4/21/2006) makes human trafficking a crime and increases penalties. Training regarding the sensitive treatment of trafficking victims is ordered, and communication by law enforcement officials in the language of the victims is encouraged (section 1). A person engages in trafficking by physically restraining the victim or threatening to do so. A person also engages in trafficking by benefiting from the services of the victim or by receiving money for the victim's services. Threatening to destroy or destroying identification documents to force a person into service constitutes trafficking. Trafficking carries a Class D felony charge if the victim is over 18 and a Class C felony charge if the victim is under 18 (section 3). The value of the labor provided by the victim will be taken into account when restitution is considered (section 5). A trafficking victim may qualify, under certain circumstances, for a special immigrant visa and may also qualify for some federal assistance (section 6). The bill institutes a Victim Compensation Fund (section 8). The bill also calls for a study to examine the effects of trafficking on victims (section 9).

Maine HB 893/ LD 1296 (signed 4/28/2006) establishes a task force to investigate possible deterrents to trafficking (section 1).

Michigan HB 5747 (signed 5/25/2006) stiffens penalties for human trafficking. The bill defines trafficking as compelling a person into forced labor by causing or threatening bodily harm. The penalty for this crime is a prison sentence varying from up to 10 years to life, depending on the severity of the offense (section 462b). The bill also forbids forced labor or services by threatening the destruction of immigration documents, and increases penalties for human trafficking (section 462e). Makes the intention to traffick a human criminal (section 462h). Finally, kidnapping, attempting to kill, murdering, or engaging in criminal sexual conduct with a trafficking victim is punishable by life imprisonment (section 462i).

Mississippi HB 381 (signed 4/21/2006) increases the penalties for a person found guilty of human trafficking of any kind to prison sentence of up to 20 years. A person found guilty of recruiting a minor for employment in the sex industry can receive a prison sentence of up to 30 years (section 3). Destroying or threatening to destroy immigration documents for the purposes of restricting travel will result in a prison term of no more than 5 years. (section 4).

North Carolina HB 1896 (adopted 7/27/2006) makes trafficking a felony, and includes in the definition of trafficking threatening to destroy, conceal, remove, confiscate, or possess any actual or purported passport or other immigration document or any other actual or purported government identification document of another person (section 20).

Virginia SB 291 (signed 3/30/2006) makes the act of threatening an individual with reporting illegal status to officials for the purposes of extorting money a Class 5 felony.



### **Voting/Elections**

Colorado SB 007 (signed 7/31/2006) makes the act of deliberately voting in an election without proper authorization a Class 5 felony (section 1).

Delaware SB 162 (signed 2/1/2006) amends the Delaware Code Relating to Elections. The amended bill requires that appointed elected officials swear "I will not knowingly or willfully receive or consent to the receiving of the vote of any alien..." upon the opening of a polling place on election day (section 52).

Missouri SB 1014 (signed 6/14/2006) mandates that applicants for voter registration may only use identification issued in the U.S. or Missouri (i.e. driver's license, passport, etc). The ID used must include a picture (section 115.427.1).

New Hampshire SB 403 (law without signature 6/16/2006) requires proof of citizenship for voter registration purposes (section 1).

South Dakota SB 118 (signed 2/22/2006) amends the requirements necessary for voting. A voter must present a

passport or government-issued photo identification card before receiving a ballot (section 1).

Virginia HB 170 (signed 5/18/2006) requires the Department of Motor Vehicles (DMV) to provide the State Board of Elections with a list of non-citizen driver's license applicants each month. When collecting this information, the DMV may not offer voter registration to the applicant. The general registrar can cancel voter registration as a result of non-citizen status. The DMV is not required to verify any claims of residency (section 24.2-410.1). The general registrar is required to delete the names of those voters who have non-citizen status. Those names must be kept in a separate database for 4 years (section 24.2-404).



### **Miscellaneous**

**Alcohol and Tobacco:** Wyoming HB 144 (signed 3/11/2006) allows a permanent resident card or internationally accepted passport to be used as acceptable documentation to rent a keg (section 1).

**Gun permits:** Georgia HB 1032 (signed 4/20/2006) provides for a check of ICE records for non-citizen gun-permit applicants. Non-citizen applicants are not permitted to obtain a gun permit (section 1).

Hawaii SB 2263 (signed 4/25/2006) requires the issuing authority to perform an inquiry on non-citizen applicants by using the ICE databases for the National Instant Criminal Background check system before approving or denying a gun permit (section 3).

Virginia HB 1577 (signed 4/19/2006) denies anyone unlawfully residing in the U.S. permission to obtain a handgun permit.

**Residency Definition:** Idaho HB 457 (signed 3/15/2006) excludes non-resident aliens, as defined under the Internal Revenue Code, from the definition of state resident (section 1).

**Study:** North Carolina HB 1723 (signed 8/16/2006) permits the Legislative Research Commission to study the impact of undocumented immigrants on the State, including healthcare, education and social services; criminal justice; the economy; economic and workforce development; and any other relevant issues (section 2.1).



### **Resolutions:**

Arizona HCM 2018 (adopted 4/12/2006) urges Congress to include an agriculture commuter worker permit program as part of immigration reform legislation to allow foreign workers to commute across the border daily to work if they fulfill certain security-related requirements.

Arizona HJR 2001 (signed 4/28/2006) requests the United States Congress and the United States Department of Homeland Security to supplement ICE with state auxiliary reserve units under the Coast Guard.

Georgia SR 1426 (adopted 3/30/2006) recognizes the great value of continued immigration into Georgia.

Illinois HR 913 (adopted 3/14/2006) urges Congress to pass the DREAM Act (S.2075, HR 5131).

Illinois SR 523 (adopted 3/28/2006) Encourages the United States Congress to take action on federal immigration reforms, which would provide for family unification as part of comprehensive immigration reform.

Illinois SR 578 (adopted 3/28/2006) urges the Illinois Congressional Delegation and all of Congress to support the Secure America and Orderly Immigration Act of 2005 (S.1033, HR2330).

Illinois HR 849 (adopted 3/29/2006) urges the passage of the Secure America and Orderly Immigration Act of 2005 (S.1033, HR2330).

Illinois HR 1188 (adopted 5/3/2006) creates a False Identification Task Force to address the problem of the illegal sale of fraudulent driver's licenses and other false forms of identification.



Louisiana HCR 33 (adopted 4/6/2006) memorializes congress to take such actions as are necessary to secure our nation's borders, identify and deport immigration violators, preclude automatic citizenship for children born of such violators, and to revise the work visa program to remove the means by which it is abused.

Louisiana HCR 194 (adopted 6/16/2006) requests the Louisiana State Law Institute to evaluate the impact of immigration on Louisiana laws and make recommendations to the legislature.

New York K 1820 (adopted 4/11/2006) calls for Congress to reject HR 4437.

North Carolina HR 2692 (signed 7/24/2006) expresses support for the establishment of an immigration court in North Carolina, urges congress to make conviction of driving while impaired a deportable offense, and supports expansion of the department of homeland security's program permitting local officers to identify persons not legally present in the United States and have been previously deported or who are wanted on outstanding felony charges.



### **Vetoed Bills**

Arizona HB 2701 (vetoed 3/9/2006) would have allowed the governor to mobilize the National Guard to enforce the border if the state issues a state of emergency resulting from an excessive number of illegal border crossings.

Arizona SB 1157 (vetoed 4/17/2006) would have criminalized illegal entry into Arizona and allowed trespassers to be prosecuted.

Arizona HB 2577 (vetoed 6/6/2006) would have criminalized illegal immigration status, provided \$160 million in aid to law enforcement agencies to stop flow of immigrants, established fines for businesses who continue to hire undocumented workers after warnings, required law enforcement agencies to train employees in immigration enforcement procedures, and denied education benefits to immigrants.

California SB 160 (vetoed 09/30/2006) entitled The California Dream Act, would have requested the University of California and required the California State University and the California Community Colleges to establish procedures and forms to enable students who are exempt from paying nonresident tuition, as specified (including illegal immigrants who have attended a public high school in California for at least three years and have filed the proscribed affidavit), to participate in all student aid programs administered by these segments.

New York SB 7405 (vetoed 9/13/2006) would have provided an additional one year waiver from citizenship and immigration status requirements for obtaining a pharmacist's license.

Wisconsin SB 567 (vetoed 5/26/2006) would have required all applicants for state benefit programs to show proof of citizenship or legal immigration status.



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<sup>1</sup>A variety of terms exist that refer to the entire class of immigrants residing in the United States without

authorization. These terms include unauthorized immigrant, unauthorized migrant, undocumented immigrant, illegal immigrant, and illegal alien. For consistency, this brief usually refers to 'unauthorized immigrant' for those immigrants who have either entered unauthorized into the United States or who have overstayed their visas. The term "illegal alien" is used where state legislation specifically refers to "illegal alien". The term "non-citizen" includes both legal and unauthorized immigrants.

<sup>2</sup>The terms *smuggling* and *human trafficking* are often thought to be interchangeable. However, *smuggling* refers to illegally crossing a border, and it is a crime for both the smuggler and the person smuggled. *Human trafficking* is the practice of forced labor, typically in the sex industry, and does not require a crossing of any border. The trafficker, not the victim, commits the criminal act.



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### Immigrant Policy Project

## Overview of State Legislation Related to Immigration and Immigrants in 2007

### Introduced January to April 2007

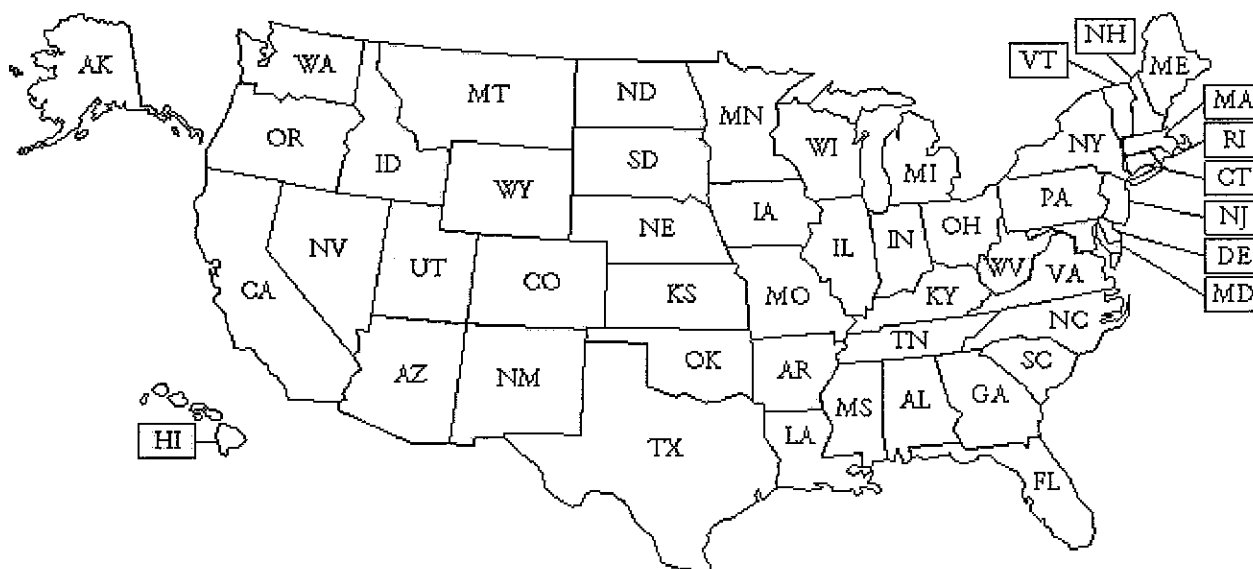
April 18, 2007

As of April 13, 2007, state legislators in **all of the 50 states** had introduced at least **1169** bills and resolutions related to immigration or immigrants and refugees. This is more than twice the total number of introduced bills (570) in 2006.

Up to this point in the 2007 legislative sessions, 18 states (Arkansas, Colorado, Hawaii, Idaho, Indiana, Kansas, Kentucky, Maryland, Montana, North Dakota, Nebraska, New Mexico, New York, South Dakota, Utah, Virginia, West Virginia and Wyoming) have enacted at least 57 bills in this policy arena, already 2/3 of the total number of laws enacted in 2006. State legislatures have also adopted at least 19 resolutions and memorials in their 2007 sessions. Most state legislatures remain in session, an indication that it is quite likely that there will be even more activity this year.

Like in 2006, employment, law enforcement, benefits and education head the list of topics under consideration in state legislatures. More than half of all states have also addressed human trafficking issues.

### States and Immigration Related Legislation, April 2007



 States Enacting Legislation

(All 50 States have introduced immigration related legislation in 2007)

**Proposed State Immigration Legislation, by Policy Arena**  
**As of April 13, 2007**

**OVERVIEW**

<b>Policy Arena</b>	<b>Number of Bills</b>	<b>Number of States</b>
Benefits	149 bills	39 states
Documentation / ID	48 bills	22 states
Drivers Licenses	69 bills	31 states
Education	105 bills	30 states
Employment	199 bills	41 states
Health	92 bills	23 states
Human Trafficking	63 bills	28 states
Law Enforcement	129 bills	30 states
Legal Services	20 bills	10 states
Licensing	83 bills	28 states
Voting	46 bills	22 states
Miscellaneous	53 bills	24 states
Comprehensive Measures	9 bills	5 states
Resolutions	104 bills	27 states
<b>TOTAL</b>	<b>1169 bills</b>	<b>50 states</b>



**HIGHLIGHTS**

**Benefits**

Total: 149 bills introduced in 39 states. (Alabama, Arkansas, Arizona, California, Colorado, Connecticut, Hawaii, Iowa, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Massachusetts, Maryland, Michigan, Minnesota, Missouri, Mississippi, Nebraska, New Hampshire, New Jersey, New Mexico, New York, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Vermont, Washington, West Virginia and Wyoming.)

Most bills would restrict benefits and services to legal immigrants and citizens and require proof of citizenship or legal immigration status. With respect to health care, several states would extend health care to specific immigrant populations. Several states are considering children's health insurance proposals that include immigrants.

**Documentation**

Total: 48 bills in 22 states. (Arizona, California, Colorado, Connecticut, Florida, Iowa, Illinois, Kentucky, Missouri, Nebraska, Nevada, New York, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Virginia, West Virginia and Wyoming.)

These bills concern a variety of issues where documentation and identity verification requirements were tightened. Many states increase penalties for providing false documentation and identity theft. Some measures make citizenship/immigration document fraud a felony.

**Driver's Licenses**

Total: 69 bills in 31 states. (Alaska, Alabama, Arizona, California, Connecticut, Georgia, Illinois, Indiana, Kansas, Kentucky, Massachusetts, Maryland, Maine, Michigan, Minnesota, Missouri, Montana, North Dakota, New Hampshire, Nevada, New York, Oklahoma, Oregon, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Vermont, Washington and Wyoming.)

Most bills would restrict qualification for licenses to citizens and legal immigrants. Several determine what documentation is the acceptable for proof of identity. Some bills add penalties for false documents. A few bills would extend driving certificates to unauthorized immigrants. Some states are considering legislation with respect to the federal REAL ID act. (For more information on the REAL ID Act, please log on to <http://www.ncsl.org/realid/>)



### **Education**

Total: 105 bills in 30 states. (Arkansas, Arizona, California, Connecticut, Florida, Iowa, Idaho, Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Mississippi, North Carolina, North Dakota, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, Wisconsin and West Virginia.)

In general, these bills mandate that a determination of the immigration status of persons be complete before they may participate in educational programs. Some bills provide in-state postsecondary education tuition for immigrants who meet certain qualifications, other bills bar undocumented immigrants from qualifying for in-state tuition rates. A bill was introduced in Missouri that would prohibit the admission of unlawfully present aliens to public institutions of higher education. A bill introduced in Rhode Island would prohibit a child of an undocumented immigrant from attending any public school in this state. Proposed legislation in Connecticut would require the Department of Children and Families to provide college tuition and costs to undocumented immigrants in the department's custody. A bill in New Jersey would allow certain undocumented aliens to qualify for in-state tuition rates. Some states' proposals would establish initiatives and grants to promote English learning.

### **Employment**

Total: 199 bills in 41 states. (Alabama, Arkansas, Arizona, California, Colorado, Connecticut, Florida, Georgia, Hawaii, Iowa, Illinois, Indiana, Kansas, Kentucky, Massachusetts, Maryland, Maine, Michigan, Minnesota, Missouri, Mississippi, Montana, North Carolina, North Dakota, Nebraska, New Hampshire, New Jersey, New Mexico, New York, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, Wisconsin and West Virginia)

These bills can be divided into two broad categories: employer-based and employee-based. Employer-based legislation prohibits employment of unauthorized workers, adds penalties, and requires verification of work authorization. Worker-based legislation addresses eligibility for workers' benefits and employee sanctions.

### **Health**

Total: 92 bills in 23 states. (Arkansas, Arizona, California, Connecticut, Florida, Georgia, Hawaii, Iowa, Illinois, Massachusetts, Minnesota, Missouri, Mississippi, New Jersey, New York, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Virginia and Washington.)

These bills generally propose to determine eligibility requirements for health programs and services. A Rhode Island bill would provide health insurance to certain children ineligible for federal medical assistance due to citizenship or alien requirements. A bill introduced in California would establish a pilot program to provide aid to victims of domestic violence who are undocumented immigrants. A Texas bill would prohibit inquiring into the immigration status of a patient in the context of emergency treatment. New York is considering a bill that would exclude undocumented immigrants from receiving health care services from a publicly funded health care facility.



### **Human Trafficking**

Total: 63 bills in 28 states. (Arizona, California, Connecticut, Delaware, Florida, Hawaii, Iowa, Kentucky,

Massachusetts, Maine, Maryland, Missouri, Montana, North Carolina, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, Rhode Island, Tennessee, Texas, Utah, Virginia, Vermont and West Virginia.)

Criminal penalties for trafficking and for destroying immigration documents and establishment of services for victims are the subject of most human trafficking legislation. Several states (California, Connecticut, New Hampshire, Kentucky, Maine, Massachusetts, New Jersey, New Mexico, Ohio, Oklahoma, Rhode Island, Texas, and Virginia) would create state task forces and/or research commissions.

### **Law Enforcement**

Total: 129 bills in 30 states. (Alaska, Alabama, Arkansas, Arizona, California, Colorado, Connecticut, Florida, Iowa, Illinois, Indiana, Kansas, Kentucky, Maine, Missouri, Montana, North Carolina, New Hampshire, New Mexico, Nevada, New York, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah and Virginia.)

States are considering bills that authorize cooperation with federal immigration authorities (Memorandum of Understanding, MOU), prohibit non-cooperation, or offer enhanced authority to state and local law enforcement related to immigration. Some bills would restrict certain state and local law enforcement from assisting in the enforcement federal immigration law.

### **Legal Services**

Total: 20 bills in 10 states. (Illinois, Indiana, Kansas, Kentucky, Massachusetts, Maryland, Minnesota, Oregon, Texas and Washington.)

In general, these bills seek to protect immigrants from certain practices by immigration consultants or notary publics, and advise defendants of the immigration consequences of criminal convictions, such as deportation. Bills also add penalties for fraud by immigration consultants and allocate funds for legal services, advice centers and organizations.



### **Licensing**

Total: 83 bills in 28 states. (Alaska, Alabama, Arkansas, Arizona, Florida, Hawaii, Illinois, Massachusetts, Maryland, Minnesota, Missouri, Mississippi, Montana, New Mexico, Nevada, New York, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, West Virginia and Wyoming.)

Most bills would restrict granting of business and professional licenses to citizens and legal immigrants and establish documents that are acceptable proof of identity. Proposed legislation also would add penalties for false documents.

### **Voting**

Total: 46 bills in 22 states. (Alabama, Arizona, California, Colorado, Georgia, Illinois, Kansas, Massachusetts, Minnesota, Missouri, Mississippi, Montana, North Carolina, New Hampshire, New

York, Oklahoma, Rhode Island, South Carolina, Tennessee, Texas, Utah and Washington.)

Most bills would require proof of citizenship or identity to participate in elections or to register to vote. They also define acceptable forms of identification. Some bills establish criminal penalties for providing false identity and immigration status information.

### **Comprehensive Legislative Proposals**

Total of 9 bills introduced in 5 states. (Missouri, North Carolina, Oklahoma, South Carolina, Tennessee)

Missouri Senate Bill 348 - Missouri Omnibus Immigration Act. This bill makes employment of unauthorized aliens illegal and mandates every employer in the state to participate in the Basic Pilot Program to verify work authorization status. The state would be required to enter into cooperative agreements (Memorandum of Understanding, MOU) with the federal government with respect to the enforcement of federal immigration law. Undocumented immigrants would be barred from attending public universities in the state and could not receive public assistance or benefits. The act also authorizes local governments to enact ordinances prohibiting employment of illegal aliens and denying business

licenses to employers who employ such aliens.

Oklahoma Senate Bill 983, Senate Bill 413, Senate Bill 454, House Bill 2129. These bills, similar in nature, make employment of unauthorized aliens illegal and mandate employers' participation in the Basic Pilot Program. They also mandate government to verify all employees. The bills also provide for a MOU with the federal government on immigration law enforcement. Individual bills also restrict public benefits for undocumented aliens, establish eligibility criteria and address trafficking.

South Carolina House Bill 3141. This bill makes employment of unauthorized aliens illegal and mandates every employer in the state to participate in the Basic Pilot Program. The state also would be required to enter into a MOU with the federal government to designate state law enforcement officers to help enforce federal immigration law. The bill also requires verification of legal status for receipt of public benefits.

Tennessee House Bill 1216. Every public employer and all contractors would have to register to participate in the federal work authorization verification pilot program. Trafficking would be criminalized and defined. It would restrict tax benefits with respect to unauthorized workers and would require that lawful presence be verified to receive public benefits.



#### ENACTED PROPOSALS

Total: 57 bills in 18 states. (Arkansas, Colorado, Hawaii, Idaho, Indiana, Kansas, Kentucky, Maryland, Montana, North Dakota, Nebraska, New Mexico, New York, South Dakota, Utah, Virginia, West Virginia and Wyoming).

##### Examples:

Arkansas H 1024	Prohibits state agencies from contracting with businesses that employ illegal immigrants.
Colorado H 1073	Requires the use of the Basic Pilot Program in public contracts.
Hawaii H 1108	Requires a check of Immigration and Customs Enforcement databases for non-U.S. citizens in the process of issuing a firearms license.
Idaho S 1157	Requires the verification of lawful presence in the United States to receive public benefits.
Maryland SB 6	The bill provides the Citizenship Promotion Program that would encourage eligible residents to learn English and to become naturalized U.S. citizens.
Oregon H 2356	Proposes that only an active member of the Oregon State Bar can act as an immigration consultant.
South Carolina S 531	Requests the Governor to declare by Executive Order that no illegal alien is eligible to receive public benefits.
Utah H 118	Defines eligibility for in-state tuition rates.
Virginia H 1673	Creates the Commission on Immigration as an advisory commission.
Virginia H 2923	Relates to the legislative commission to prevent human trafficking.
Wyoming H 313	Makes the use of false citizenship or resident alien documents a crime.



#### ADOPTED PROPOSALS

State legislatures have also adopted at least 19 resolutions and memorials related to immigration in the 2007 session so far.

Examples:

Arkansas HR 1003	Addresses the President of the United States and Congress to secure our nations borders and to develop a comprehensive immigration policy.
Colorado HR 1008	Concerns Federal reimbursement for costs associated with incarceration of undocumented immigrants in Colorado.
Hawaii HR 247	Requests the expedited issuance of visas for family reunification of immigrant relatives.
Hawaii SR 21	Condemns the US citizenship and immigration services' fee increase.
Idaho HJM 3	States that the REAL ID Act forces state employees to determine federal citizenship and immigration status.
New Mexico HJM 3	Request the federal government to provide greater funding and assistance to the state to offset disproportionate financial costs of being a Border State.



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*Immigrant Policy Project*

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## **Immigrant Policy Project**

### **2007 Enacted State Legislation Related to Immigrants and Immigration**

August 6, 2007

#### **Overview**

As of July 2, 2007, no fewer than 1404 pieces of legislation related to immigrants and immigration had been introduced among the 50 state legislatures. From January to July 2nd 2007, 170 bills became law in 41 states. Four bills have been vetoed by the Governor. Another twelve bills are pending gubernatorial approval.

State legislators have introduced roughly two and a half times more bills in 2007, than in 2006. The number of enactments from 2006 (84) has more than doubled to 170 in 2007. Several states are still in session so there could be additional legislation related to immigrants later this year.

In the continued absence of a comprehensive federal reform of the United States' challenged immigration system, states have displayed an unprecedented level of activity – and have developed a variety of their own approaches and different solutions.

Arizona passed a law prohibiting employers from hiring undocumented workers. The law requires all employers to use the Basic Pilot Program. Businesses who do not comply face suspension or revocation of their business licenses. The Illinois legislature, in contrast, passed legislation, which is pending gubernatorial approval, that would prohibit employers from enrolling in the Employment Eligibility Verification System until the system meets certain accuracy criteria. Arkansas, in an adopted resolution, requests the federal government to develop a guest worker taxation system to provide basic health care services to guest workers. Oregon passed a law making it illegal to perform any immigration consultation without active status in the Oregon Bar. Texas tackled the issue of human trafficking.

Immigration-related legislation covers almost every policy arena relevant in state legislatures.

Many states have focused on employment, health, identification and driver's and other licenses, law enforcement, public benefits, and human trafficking.

In the employment arena, states have introduced and enacted a variety of legislation focusing on employment eligibility verification requirements on both the employer and the employee level. Several enactments also focus on employment eligibility verification with respect to unemployment benefits and workers compensation.

States also remain very committed to combating human trafficking. A variety of state laws stiffen penalties, set up commissions to study and monitor the subject and also provide services for victims.

Several states enacted proposals in the field of public benefits, requiring proof of lawful residence in the United States for the receipt of public benefits. A number of states also enacted programs aiming to facilitate and promote the integration of immigrants into society.

Another area with significant state activity is that of identification and documentation requirements. Several states have implemented laws that put in place identity verification mechanisms, including lawful status determinations, before driver's and business licenses are issued to applicants.

This report gives an quantitative overview of introduced legislation and briefly analyzes enacted laws relating to

immigrants and refugees. This report not only includes legislative proposals and laws solely concerned with immigration enforcement but also all those in which immigrants – whether authorized or unauthorized, migrants, aliens and refugees are affected.

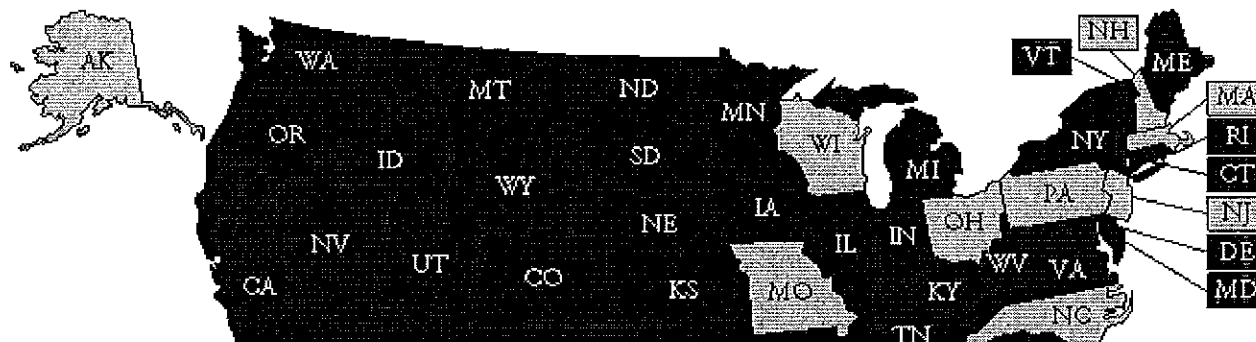
### Main Topics in State Immigration-Related Legislation as of July 2, 2007

Main Topics	Number of Bills Introduced	States	Enacted Laws	States
<b>Education</b>	118	31	<b>10</b>	8
<b>Employment**</b>	234	44	<b>26</b>	19
<b>Health</b>	134	31	<b>11</b>	9
<b>Human Trafficking</b>	79	29	<b>15</b>	11
<b>ID/Driver's Licenses/Other Licenses</b>	229	45	<b>35</b>	26
<b>Law Enforcement</b>	148	34	<b>11</b>	7
<b>Legal Services</b>	20	10	<b>3</b>	3
<b>Miscellaneous</b>	103	29	<b>6</b>	5
<b>Comprehensive Measures</b>	26	8	<b>0</b>	0
<b>Public Benefits**</b>	115	39	<b>15</b>	11
<b>Voting</b>	46	20	<b>0</b>	0
<b>Resolutions</b>	152	34	<b>38</b>	14
<b>TOTAL</b>	<b>1404</b>	<b>50</b>	<b>170</b>	<b>41</b>

\*\*Since the April 18<sup>th</sup> 2007 report, 34 pieces of legislation, concerned with workers compensation and unemployment insurance, have been moved from the public benefit section to the employment section.

### States Enacting Immigration Related Legislation in 2007

As of July 2, 2007





## States With Enacted Legislation

**Education (10)**

*Ten laws in 8 states: Arizona, Connecticut, Indiana, Nevada, North Dakota, Utah, Virginia and Washington. Two bills vetoed in two states: Minnesota and New Mexico.*

**Arizona HB 2202 (Signed 5/8/2007)** This law establishes a division of adult education within the department of education. In relation to immigrants the department must: adopt rules for the establishment and conduct of classes for immigrant and adult education, including the teaching of English to foreigners, in school districts; and devise plans for the establishment and maintenance of classes for immigrant and adult education, including the teaching of English to foreigners, stimulate and correlate the Americanization work of various agencies.

**Connecticut SB 1287 (Signed 5/19/2007)** The act allows for the state of Connecticut to issue a Visiting International Teacher Permit to individuals that meet several criteria: possession of a J-1 visa; presence in the country as a result of a memorandum of understanding between the state and their country or as part of the Exchange Visitor Program; has the equivalent of a bachelors degree; has completed a teaching preparation program; and has a sufficient level of performance in spoken English.

**Indiana SB 526 (Signed 5/02/2007)** This law defines the term resident and applies requirements to the state's higher education system. It allows into the resident category "a foreign student visiting in Indiana under any student exchange program approved by the state board" and makes them eligible for certain state aid.

**Nevada SB 5 (Signed 6/14/07)** This act revises provisions governing eligibility for the receipt of a millennium scholarship. This legislation requires that individuals applying be a legal resident of the state for at least 2 years.

**North Dakota SB 2200 (Signed 5/03/07)** The law defines a "New Immigrant English language learner" as an English language learner who was not born in the United States and has not attended school in the United States for more than three school years or the monthly equivalent of three school years and requires reporting on their numbers in school and provides for extra compensation for schools that serve them.

**Utah HB 118 (Signed 3/20/07)** Residency Requirement for In-State Tuition. This law amends and clarifies the residency requirement for in-state tuition in Utah making it easier to qualify as a resident for in state tuition as a legal immigrant.

**Virginia HB 1996 - Chapter 108 (Signed 3/13/07)** This law states that any alien holding an immigration visa or classified as a political refugee shall also establish eligibility for in-state tuition in the same manner as any other student. However, absent congressional intent to the contrary, any person holding a student or other temporary visa shall not have the capacity to intend to remain in Virginia indefinitely and, therefore, shall be ineligible for Virginia domicile and for in-state tuition charges.

**Virginia HB 2048 - Chapter 491 (Signed 3/27/07)** Relates to in-state tuition for dependents of active duty military personnel. This law does not mention immigrants or alien populations specifically, however, it defines

residency requirements for in-state tuition.

**Virginia HB 2631 – Chapter 48 (Signed 3/12/2007)** This act relates to limitations on access to student records and defines what will be in a student's record and who has access including parents, those the student allows, principals, teachers, and bodies given access through judicial process. More specifically, the law states that personal information of students may be released to an employee of the US government if the student is a US veteran, a dependent of such veteran, an orphan, or an alien of any kind.

**Washington HB 1128 – Chapter 522 (Signed 5/15/07)** Includes an appropriation for groups contracted by the state immigration and refugee assistance services department to work with immigrants.

#### **Vetoed (2):**

**Minnesota SF 1989 (Vetoed 5/09/2007)** This legislation would have provided appropriations for educational programs and to fund new requirements. It would have eliminated non-resident tuition at certain schools through funding.

**New Mexico SB 858 (Vetoed 5/9/07)** Creating the College Assistance Migrant Program at New Mexico State University. This legislation would have created a program aimed at first year migrant and seasonal farm worker students at New Mexico state university to help ensure their successful matriculation past the initial year of college and meet educational needs.



## **Employment (26)**

*26 laws enacted in 19 states: Arkansas, Arizona, Colorado, Georgia, Hawaii, Kansas, Kentucky, Maine, Minnesota, Mississippi, Montana, New Mexico, Nevada, Oregon, Tennessee, Texas, Utah, Virginia and West Virginia. Two bills are pending Governor Approval in Illinois. One bill in Washington was partially vetoed.*

**Arkansas HB 1024 - Act 157 (Signed 02/28/2007)** State agencies are prohibited from contracting with businesses that employ illegal immigrants. Contractors must certify that they do not employ or contract with an illegal immigrant.

**Arkansas HB 1699 - Act 545 (Signed 03/28/2007)** Amends the minimum wage and overtime law to parallel certain provisions of federal minimum wage and overtime law, excludes certain migrant farm laborers from the definition of an "employee".

**Arizona HB 2474 (Signed 04/24/2007)** Relates to overtime compensation including certain aliens and minors permitted to work for hire.

**Arizona HB 2779 (Signed 07/02/2007)** Prohibits employers from knowingly or intentionally hiring undocumented workers. Requires all employers to use the Basic Pilot Program to determine employees' legal status. Forms an committee to study employer-sanctions laws in Arizona. Provides penalties with respect to business licenses.

**Colorado HB 1073 (Signed 03/16/2007)** Concerns the use of the Basic Pilot Program in connection with a public contract for services in order to confirm the employment eligibility of all newly hired employees.

**Colorado HB 1286 (Signed 04/26/2007)** Concerns documentation that proves legal United States residence by an individual applying for unemployment insurance benefits pursuant to a reciprocal interstate agreement when the individual is not a Colorado resident.

**Georgia SB 184 - Act 147 (Signed 05/18/2007)** Relates to income taxes, provides an additional adjustment to taxable income of corporations with respect to certain disallowances, disallows as a business expense compensation

paid by a taxpayer to an unauthorized employee.

**Hawaii HB 1379 - Act 070 (Signed 05/16/2007)** Provides the same type of unemployment insurance (UI) coverage in state law as in federal law. Excludes certain alien agricultural workers.

**Hawaii HB 1750 - Act 052 (Signed 05/03/2007)** All persons seeking employment with the government of the State or in the service of any county must be citizens, nationals, or permanent resident aliens of the United States, or eligible under federal law for unrestricted employment in the United States.

**Kansas SB 83 (Signed 03/19/2007)** Concerns the employment security law, relates to contribution rates, relates to an unemployment tax account, excludes certain alien agricultural workers from the definition.

**Kansas SB 235 (Signed 04/05/2007)** Concerns the Employment Security Law. The act excludes certain alien agricultural workers from the definition of employee.

**Kentucky HB 296 - Acts Chapter 93 (Signed 05/23/2007)** Relates to workers' compensation self-insurance. For the purposes of this act "alien" is defined as a person who is not a citizen, a national, or a resident of the United States or Canada.

**Maine SB 1015 (Signed 6/5/07)** An Act To Amend the Unemployment Laws -- it creates a requirement of legal status for unemployment benefits from agricultural work.

**Minnesota SF 167 - Chapter 128 (Signed 05/ 24/2007)** Relates to unemployment insurance. Personal data gathered from any person under the administration of the Minnesota Unemployment Insurance Law may be disseminated to federal Bureau of Citizenship and Immigration. An alien is ineligible for unemployment benefits for any week the alien is not authorized to work in the United States under federal law, unemployment benefits must not be paid on the basis of wage credits earned by an alien unless the alien (1) was lawfully admitted for permanent residence at the time of the employment, (2) was lawfully present for the purposes of the employment, (3) was permanently residing in the United States under color of law at the time of the employment. Any information required of applicants applying for unemployment benefits to determine eligibility because of their alien status must be required from all applicants.

**Mississippi SB 2448 (Signed 04/25/2007)** Administration of unemployment compensation law by Mississippi Department of Employment Security. Benefits shall not be payable on the basis of services performed by an alien, unless such alien is an individual who was lawfully admitted for permanent residence at the time such services were performed, was lawfully present for purposes of performing such services, or was permanently residing in the United States under color of law at the time such services were performed

**Montana HB 111 - Chapter 52 (Signed 03/27/2007)** Revises unemployment insurance laws. Exclusions from definition of employment: services performed by an alien as identified in 8 U.S.C. 1101, i.e. an alien having a residence in a foreign country coming temporarily to the United States to perform agricultural labor or services, or an alien, who is a bona fide student and who seeks to enter the United States temporarily and solely for the purpose of pursuing such a course of study.

**Montana SB 214 - Chapter 340 (Signed - 04/28/2007)** Revises laws relating to independent contractors. Exclusions from definition of employment: services performed by an alien as identified in 8 U.S.C. 1101, i.e. an alien having a residence in a foreign country coming temporarily to the United States to perform agricultural labor or services, or an alien, who is a bona fide student and who seeks to enter the United States temporarily and solely for the purpose of pursuing such a course of study.

**New Mexico HB 247 - Chapter 137 (Signed 04/02/2007)** Concerns unemployment compensation, excludes certain aliens admitted to the United States to perform service in agricultural labor pursuant to INA.

**Nevada AB 496 - Chapter 537 (Signed 06/15/2007)** Makes various changes concerning workers' compensation. The provisions of the act do not apply in favor of aliens who are nonresidents of the United States at the time of the accident, injury to, or death.

**Oregon HB 2244/SB202 (Signed 06/01/2007)** Requires the Department of Consumer and Business Services to develop a plan to eliminate the sunset of provisions related to permanent partial disability awards in workers'

compensation claims. If the worker is a person present in the United States in violation of federal immigration laws, the insurer or self-insured employer shall cease payments.

**Tennessee HB 729 (Signed - 06/26/2007)** Creates the criminal offenses of recklessly employing an illegal alien, knowingly employing an illegal alien, and knowingly encouraging or inducing an illegal alien to enter the state for the purpose of employing such illegal alien. Provides for fines up to \$50,000.

**Tennessee SB 903 - Chapter 220 (Signed 5/24/2007)** Prohibits the use in the state of a federal individual taxpayer identification number as a form of identification to prove immigration status. Provides that for purposes of an application or offer of employment, no person in this state shall accept an individual taxpayer identification number as a form of identification and any person, including any contractor, in this state who is presented with an individual taxpayer identification number by a potential employee or subcontractor as a form of identification or to prove immigration status shall reject such number and shall request the lawful resident verification information.

**Texas HB 1196 (Signed 06/15/2007)** Relates to restrictions on the use of certain public subsidies to employ undocumented workers, provides that a public agency, state or local taxing jurisdiction, or economic development corporation shall require a business that submits an application to receive a public subsidy to include in the application a statement certifying that the business, or a branch, division, or department of the business, does not and will not knowingly employ an undocumented worker.

**Utah SB 103 (Signed 3/13/2007)** An Act Concerning Ineligibility for Unemployment Compensation Benefits. Defines ineligibility for Unemployment Compensation Benefits, this includes not having legal status.

**Virginia HB 2294 (Signed 3/27/07)** An Act relating to the Virginia Workers' Compensation Act; employees of local governments. As the legislation pertains to immigrants, it defines the term "aliens and minors" as being capable of definition as an employee.

**West Virginia SB 70 - Chapter 144 (Signed 4/3/07)** Makes it unlawful for any employer to knowingly employ an unauthorized worker. Employers are required to verify a prospective employee's legal status or authorization to work. The law also provides for penalties for employing unauthorized workers, including fines, jail sentences and revocation of business licenses.

#### **To Governor (2):**

**Illinois H 1743 (To Governor)** Relates to immigrant employment eligibility verification of Social Security numbers and Homeland Security databases. Provides for regulations of civil rights violation for an employer participating in the Basic Pilot Program. Prohibits discrimination on basis of citizenship.

**Illinois H 1744 (To Governor)** Amends the Right to Privacy in the Workplace Act. Provides that employers are prohibited from enrolling in any Employment Eligibility Verification System, including the Basic Pilot program, as authorized by federal law, until the Social Security Administration and Department of Homeland Security databases are able to make a determination on 99% of the tentative non-confirmation notices issued to employers within 3 days, unless otherwise required by federal law.

Provides that the Department of Human Rights shall establish a statewide advisory council to study the effects of Employment Eligibility Verification Systems, including the Basic Pilot program, on employers and employees in Illinois.

#### **Partial Veto (1):**

**Washington SB 5774 - Chapter 387 (Signed 5/8/2007 - Partial Veto of Sec. 6 and 7)** Section 6 of the Bill was vetoed by the Governor. This section would have provided for a work group examining the need for and feasibility of verifying citizenship or immigration status of persons for whom background checks are required. The act revises background check requirements for the departments of Social and Health Services and Early Learning.



## Health (11)

*Eleven laws in 8 states: Iowa, Indiana, Louisiana, Michigan, Minnesota, New York, Texas and Virginia. One bill in Hawaii is pending Governor's approval.*

**Iowa HF 909 (Signed 5/29/2007)** This bill appropriates funds for health and human services activities. If the federal government fails to authorize funds for the SCHIP shortfall occurring in FY October 1, 2006 – September 30, 2007, the department of Health and Human Services may use 100 percent state funds from July 1, 2007 to September 30, 2007. In this situation the department may access medical assistance funds appropriated by this bill for continuation of SCHIP and/or request a supplemental appropriation. Contingent upon the reauthorization of SCHIP and availability of funds under this act, the state may expand coverage to legal immigrant children and all pregnant women deemed ineligible under current federal law.

**Indiana SB 0489 (Signed 5/2/2007)** Rural Health Care Pilot Program. This bill establishes a "rural health care pilot program" enabling health care providers to receive grants for program participation. Grant money must be used to make the local match for the construction of regional broadband networks. Migrant health centers are one of many classes of health care providers that are eligible to participate in this pilot program.

**Louisiana HB 246 (Signed 07/09/2007)** Relates to the certification of medical attendants in licensed nursing homes. Establishes medical administration applicant requirements and a registry. More specifically, this bill declares that these medical attendants are citizens of the United States, U.S. nationals, or aliens lawfully admitted for permanent residency in the United States.

**Michigan HB 4207 – Act 19 (Signed 06/14/2007)** Provides for licensure of an applicant applying for initial licensure as a registered professional nurse who is licensed in another state or, until January 1, 2012, is licensed in a province of Canada.

**Minnesota HF 1078 (Signed 5/25/2007)** Omnibus health and human services finance bill. This bill relates to multiple facets of health and human services activities including child care services, dental health, medical assistance and mental health. It retains that the commissioner of human services shall act as a referral coordinator and provide information to newly arrived immigrants and that child care service grants may be awarded for programs that serve ethnic immigrant and refugee communities. HF 1078 reaffirms federal law that undocumented non-citizens and non-immigrants are ineligible for general assistance medical care, and that non-immigrants ineligible due to sponsor deeming remain ineligible. Newly added provisions provide that one grant from the Oral Health Care Innovations fund be reserved for the Bright Smiles Program that increases dental access to low-income and immigrant children and their families in the Minneapolis area. Appropriates \$100,000 from lottery revenue for the creation of a gambling treatment, prevention or education program for immigrant communities.

**Minnesota SF 26 (Signed 5/24/2007)** Health occupations licensing provisions modifications; Minnesota Board of Social Work Practice Act. This bill, relating to the Board of Medical Practices Advisory Councils, eliminates expiration dates for many types of advisory councils such as the physician assistant advisory, acupuncture advisory and respiratory care advisory councils, the advisory council on licensed traditional midwifery and the health professionals' services program advisory committee. This bill requires that applications for medical licensure must include a SSN, alien registration card, or tax identification number. Licensure requirements of two years graduate study and accreditation are waived for permanent immigrants to the United States admitted before October 1, 1991, and temporary nonimmigrant people who have exceptional ability in the sciences according to federal guidelines.

**New York SB 2104 (Signed 4/9/2007)** Health and Mental Hygiene Budget. This bill appropriates funds for various Health and Human Service activities. It includes an allocation to the Department of Agriculture and markets for the farmers' market program and migrant worker services. This bill also increases the cost of living for migrant health workers, among other groups, with the commissioner making the final decision regarding requirements and standards necessary for these raises. SB 2104 allocates money for a grant pool for community health centers whose principal objectives are to provide primary healthcare and out reach activities for migrant workers and their families. At least 70 percent of these grants will be allocated to centers that receive their funding from the federal Public Health Service Act.

**Texas HB 109 (Signed 6/15/2007)** Children's Health Plan Program. HB 109 amends the Health and Safety code to

change financial eligibility standards and verification timeframes, increases the duration of eligibility to 12 months from six, and increases outreach and education campaigns regarding the children's health insurance program. This bill allows the commission to contract with community-based groups to further promote enrollment of children into health insurance programs. All outreach materials generated under this project must be in both English and Spanish.

**Texas SB 1107 (Signed 5/22/2007)** Travis County Health District. This bill relates to the Travis County Healthcare district. It amends the Occupations Code enabling the board to certify a health organization to employ or contract with physicians if the group is in a hospital district and operates in certain fashions. One of the allowed operational structures is as a migrant health center.

**Virginia HB 3183 (Signed 3/24/2007)**

Pregnant Women Support Act. HB 3183 creates and allows for donations into the Virginia Pregnant Women Support Fund administered by the Board of Health. Funds are to support women facing unplanned pregnancies, and can be used for upgrading ultrasound equipment, creating independent programs for domestic violence, dating violence, sexual assault and stalking, providing support services for women in institutions of higher learning, allocating funding for early childhood education programs for teens to complete high school or receive job training, and providing teen or first time mothers with free home visits from registered nurses. The Board of Health will establish application protocol for grants subsidized by this fund. Migrant health centers are among those groups eligible to apply for the Virginia Pregnant Women Support grants.

**Virginia SB 1088 (Signed 3/23/2007)** SB 1088 creates and allows for donations into the Virginia Pregnant Women Support Fund administered by the Board of Health. The Board of Health will establish application protocol for grants subsidized by this fund. Migrant health centers are among those groups eligible to apply for the Virginia Pregnant Women Support grants.

**To Governor:**

**Hawaii HB 1008 (To Governor)** Establishes the Hawaii children's health care program and the Hawaii infant care program as temporary three-year pilot programs and to expand and monitor for three years health care coverage for children in Hawaii. This program aims to cover the children that are otherwise ineligible for state and federal healthcare support. In the past these ineligible children have included immigrants with temporary visas.



## Human Trafficking (15)

*15 laws in 11 states: Connecticut, Delaware, Florida, Kentucky, Maryland, Montana, Nevada, New York, Rhode Island, Texas and Virginia. One bill in Oregon is pending Governor's approval.*

**Connecticut SB 398 - Chapter 107 (Signed 06/11/2007)** The law creates a state council that monitors the trafficking of persons within the state of Connecticut, within national borders, and across international borders. The bill defines "trafficking" as abduction, transport, harboring, transfer, sale or receipt of persons through force, coercion, or false pretenses. Additionally, this bill aims to protect these displaced people from slavery or slavery-like situations which include forced labor or services, such as prostitution and sexual services, domestic servitude, sweatshop labor, and other forms of debt bondage.

**Delaware HB 116 - Chapter 125 (Signed 07/02/2007)** This bill aims to combat human trafficking in the State of Delaware. Enables the state to apply the federal statute on a local level. The bill states that knowingly destroying, concealing, removing, confiscating or possessing any passport or other immigration document of another person is a felony. The bill also defines human trafficking to include commercial sexual activity, exotic dancing, and menial labor. The bill provides restitution and protection for victims of human trafficking.

**Florida HB 7181 - Chapter 162 (Signed 07/01/2007)** Directly correlates to immigrant survivors of human



trafficking and other human rights violations including domestic violence. Ensures that these trafficked persons are provided with state-funded support services. This bill also requires that a sworn statement from the victim be sufficient evidence in receiving these services. Additionally, the bill provides for a public-awareness program.

**Kentucky SB 43 - Chapter 19 (Signed 03/19/2007)** Establishes the Division of Child Abuse, Domestic Violence, and Human Trafficking Services within the Cabinet for Health and Family Services. In addition to the new division, this bill creates a new section of the KRS Chapter 194A which intends to explain the goals and functions of the Division

**Maryland SB 606 - Chapter 341 (Signed 05/08/2007)** Forbids a person from soliciting another human being for sexually explicit performance, prostitution, labor, or services by a specific means. Prohibits the solicitation of a minor, including prostitution and sexual explicit acts. The act further prohibits the destruction, concealment, removal or possession of any immigration identification document with the intent to harm the immigration status of another person.

**Montana SB 385 - Chapter 147 (Signed 04/05/2007)** Forbids involuntary servitude and the trafficking of human beings.

**Nevada AB 383 - Chapter 316 (Signed 06/02/2007)** This law creates and defines the crime of human trafficking making it a category B felony with a sentence of 1-20 yrs, pending degree, in state prison and a fine of no more than \$50,000 and makes the crime one for which an individual may be charged as a habitual felon. Individuals suffering injury as a result of the act of this crime can recover actual and punitive damages in civil action with the personal property of the convicted felon subject to forfeiture. Employment Provisions: Requires the Director of the Department of Business and Industry to include on the Department's website a link to the Social Security Administration where verification can be performed by employers. The Nevada Tax Commission is also to hold hearings concerning anyone who has been found to be engaged in unlawful hiring or employment of unauthorized aliens and if necessary impose administrative fines.

**New York SB 5902 - Chapter 74 (Signed 06/06/2007)** Provides provisions to New York state law dealing with human trafficking including labor and sex trafficking. Provides services persons affected by human trafficking.

**Rhode Island HB 5881 - Act 217 (Signed 07/02/2007)** Defines the act of human trafficking and involuntary servitude as a criminal offense.

**Rhode Island SB 692 - Chapter 123 (Signed 06/27/2007)** Establishes and defines the trafficking of persons and involuntary servitude as a criminal offense; relates to intimidation, forced labor, commercial sexual activity, knowingly destroying, concealing, removing, confiscating or possessing without that person's consent any passport or other immigration document, child victims, fines and imprisonment.

**Texas HB 1121 (Signed 06/15/2007)** Relates preventative actions of human trafficking victims and other abuses to judicial findings. Enables judges to issue an official verification, or judicial finding, that a victim is truly a victim of a severe form of trafficking, as defined by federal law, encouraging the victim to assist in the prosecution of the perpetrator.

**Texas SB 11 (Signed 06/06/2007)** The law promotes cooperation between local government entities and a statewide mutual aid system. Includes protections against human trafficking. Also in regards to immigration and verification of state citizenship, the law provides for an improved driver's license or personal identification certificate.

**Virginia HB 1921 - Chapter 453 (Signed 03/19/2007)** Prohibits the destruction, concealment, removal, confiscation, or possession of any actual or false passport, immigration document, or any form of official government identification document of another person. This would consequentially prohibit the extortion of money, property, or pecuniary benefit. Such legal violations will be classified as a Class 5 felony in the state of Virginia.

**Virginia HB 2923 - Chapter 525 (Signed 03/19/2007)** Creates a legislative Commission for the purpose of developing and implementing a State Plan for the Prevention of Human Trafficking.

**Virginia SB 815 Chapter 547 (Signed 03/19/2007)** Defines the crime of human trafficking and the punishment of the offense. The law indicates any human trafficking with purpose of commercial sex acts or sexually explicit performance a felony. This legislation also defines human trafficking as racketeering activity. Additionally the bill provides for civil liability, business entity liability, restitution to victims, and forfeiture of trafficker assets.

**To Governor:**

**Oregon SB 578 (To Governor)** Relates to human trafficking in the State of Oregon. Defines some forms of human trafficking as a first degree offense with a maximum penalty of 20 years of prison or a \$375,000 fine or both. The bill also creates a Task Force to help fight human trafficking.

**ID/Driver's Licenses/Other Licenses (35)**

*35 laws in 26 states: Arkansas, Arizona, California, Connecticut, Florida, Georgia, Indiana, Kansas, Kentucky, Louisiana, Maine, Montana, Nebraska, New York, North Dakota, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Vermont and Wyoming. 5 bills are pending Governor's approval in three states: Illinois, Missouri and Nevada.*

**Arkansas HB 1500 – Act 735 (Signed 03/30/2007)** Relates to the application for alcohol licenses in the state of Arkansas. This bill requires applicants to publish their notice in local newspapers and periodicals in circulations that are relevant to the location of the establishment. Applicants for these licenses must be U.S. citizens or have legal resident status.

**Arizona HB 2391 - Act 187 (Signed 05/08/2007)** Relates to spirituous liquor licensees. Requires that licensee shall be a citizen of the United States and a bona fide resident of this state or a legal resident alien who is a bona fide resident of this state.

**California SB 997 - Chapter 203 (Signed 05/14/2007)** Relates to existing law that regulates the transfer of firearms and provides exceptions to various reporting requirements for certain law enforcement entities and licensed firearms dealers. Requires applicants to such licenses to be U.S. citizens or legal resident aliens..

**Connecticut SB 1437 (Signed 06/11/2007)** The department shall prepare a certification of birth registration or a certificate of foreign birth for any person born outside of the country and adopted by a resident of this state.

**Florida SB 2114 – Chapter 147 (Signed 06/15/2007)** Relates to driver's license applications. This bill limits the liability of a caseworker who signs an application for a driver's license for a minor who is in foster care. The bill requires all applicants to be U.S. citizens and provide documentation that proves that they are of a "nonimmigrant classification".

**Georgia HB 321 – Chapter 333 (Signed 05/29/2007)** Relates to bona fide conservation use property; changes certain eligibility requirements with respect to conservation use assessment to include natural and naturalized citizens.

**Georgia SB 5 - Act 11 (Signed 05/11/2007)** Permits the Governor of Georgia to delay implementing the requirements of the Real ID Act until the Department of Homeland Security has issued regulations that the Governor finds will adequately protect the interests of the citizens of Georgia. Relates to citizenship and legal resident alien status in Georgia.

**Indiana HB 1042 - Act 62 (Signed 04/25/2007)** Provides that any male who is required to register with the Selective Service System may do so when he applies for issuance or renewal of driver licenses at the Bureau of Motor Vehicles; requires a box that the applicant can check; provides for forwarding of information in electronic format. Applicants must be U.S. citizens or legal resident aliens.

**Indiana SB 463 - Act 184 (Signed 05/08/2007)** Amends the contents of and application procedure for a driver's license, learner's permit, or identification card to comply with federal law; provides for varying expiration dates for a driver's license, learners' permit, and identification cards based on the holder's lawful status in the United States; regulates social security cards; relates to registration of a vehicle brought in from another state. Requires these applicants to be U.S. citizens or legal resident aliens.

**Kansas SB 9 (Signed 04/20/2007)** Relates to driver's license and identification card fraud; authorizes law enforcement officers and subpoenas in fraud cases; requires submission of a photo identity document unless the document contains the applicant's full legal name, date of birth, address and social security number; requires a social security number to remain confidential; requires proof of lawful U.S. presence and residence in the state; requires a mandatory facial image capture; incorporates machine-readable technology.

**Kentucky SB 144 – Chapter 85 (Signed 03/23/2007)** The bill also relates to driver's licenses and requires applicants to be US citizens, permanent residents or of other lawful status. The bill also requires agencies that are hiring telecommunicators to be U.S. citizens or legal resident aliens.

**Louisiana HB 766 (Signed 06/22/2007)** Authorizes the Office of Motor Vehicles to issue driver's licenses that are valid only as long as the driver has lawful presence in the United States; provides that no driver's license shall be issued to a foreign national until their name has been referred for a criminal background check that includes checking the applicant's name with the terror watch list and by both the National Crime Information Center and Immigration and Naturalization Services.

**Maine HB 612 - Act 24 (Signed 05/15/2007)** Restricts the issuance of driver's licenses and non-driver identification cards to residents of the state; permits nonresident students and persons on active military duty and the spouses and children of persons on active military duty to be issued non-driver identification cards given that they are U.S. citizens or legal permanent aliens; relates to migrant workers and others who may be affected by changes in eligibility requirements.

**Montana HB 287 - Act 198 (Signed 04/17/2007)** Denies implementation of Real ID act that would otherwise seek to define citizenship and alien status in the United States.

**Montana HB 450 – Act 237 (Signed 04/24/2007)** Allows the abbreviation of social security numbers on driver's licenses in the state of Montana. Instead of using the full social security number on this form of state issued identification, the bill requires that only the last four digits of the social security number to be used. Applicants for the license must be a United States citizen or legal resident alien.

**Montana HB 782 – Chapter 180 (Signed 04/10/2007)** Revises law on over-payment of food stamps. Relates to the provision of food stamps to legal aliens and illegal immigrants in the State of Montana.

**Nebraska LB 463 (Signed 5/15/2007)** Creates the Uniform Credentialing Act that provides licensure and legal registration of nurses, alcohol and drug counselors, athletic trainers, audiologists, midwives, nurse anesthetists, chiropractors, cosmetologists, dentists, EMTs, funeral directors, hearing aid dispensers, licensed practical nurses, massage therapists, radiologists, mental health professionals, nursing home administrators, occupational therapists, optometrists, pharmacists, podiatrists, veterinarians, surgeons, and other occupations. Persons applying for these licenses must be a United States citizen or a legal resident alien.

**New York SB 4083 (Signed 07/02/2007)** Relates to licensure of veterinarians and veterinarian technicians. Due to a shortage of the aforementioned professions, this law grants a one-time 3 year waiver of citizenship or permanent resident alien status, allowing immigrants who are working toward becoming a citizen or permanent alien resident the chance to receive a veterinary license.

**North Dakota SB 2112 (Signed 03/07/2007)** Relates to drivers' licenses and non-driver photo identification cards, and issuance to individuals of nonresident status legally residing in the United States; relates to renewal and expiration dates.

**Oklahoma HB 1804 – Chapter 112 (Signed 05/08/2007)** Relates to illegal immigration; creates the Oklahoma Taxpayer and Citizen Protection Act of 2007; makes certain acts unlawful; provides penalties; relates to identification documentation; requires issuance of identification documents to certain persons; provides exceptions; states period of validity; provides for renewal under certain circumstances.

**Oklahoma SB 920 – Chapter 360 (Signed 06/04/2007)** Relates to the Security Guard and Private Investigator Act; authorizes issuance of an armed private investigator license and requirements, which include being a U.S. citizen or legal resident alien.

**Oregon HB 2247 (Signed 06/13/2007)** Requires the Department of Consumer and Business Services to develop a

plan to eliminate the sunset of provisions related to services provided by nurse practitioners in workers' compensation claims. States that compensation will not be granted to individuals who are found in violation of U.S. Immigration laws.

**Oregon HB 2334 (Signed 06/13/2007)** Modifies and expands requirements for issuance of concealed handgun license, requires U.S. citizenship or legal resident alien who can document continuous residency in the county for at least six months and has declared intent to acquire citizenship status and can present proof of the written declaration to the sheriff at the time of application for the license.

**Oregon SB 447 – Chapter 583 (06/25/2007)** Broadens scope of crime of identity theft and false proof of US citizenship; adds to the definition of another person to include that the person may be alive or deceased.

**Rhode Island HB 6161 / SB749 – Act 191 (Signed 07/02/2007)** Relates to legal consequences of underage drinking in the State of Rhode Island. The bill states that a Rhode Island license or identification card will be provided to residents on or after their twenty-first birthday proving legality of drinking age provided the applicant can prove he or she is a U.S. citizen or legal alien resident.

**South Carolina SB 449 (Signed 06/13/2007)** States that South Carolina will not participate in implementation of the Real ID Act that would otherwise seek to define citizenship and alien status in the United States.

**South Dakota SB 180 (Signed 03/26/2007)** Provides for the recognition of certain adoption orders from foreign jurisdictions; provides for the issuance of birth certificates for certain inter-country adoptions under certain conditions as a means of identification and proof of U.S. citizenship.

**Tennessee HB 1827 - Act 194 (Signed 05/21/2007)** Relates to Driver Licenses; removes provisions for certificates of driving; provides for temporary driver licenses for persons whose presence in the country has been authorized by the federal government.

**Texas HB 2783 (Signed 06/15/2007)** Relates to the regulation of mortgage brokers; relates to a provisional license. Requires those persons applying for a provisional license to be a US citizen or legal resident alien.

**Utah HB 48 Act – 136 (Signed 03/12/2007)** Relates to fish and hunting licenses. The bill states that alien residents and alien nonresidents within the State of Utah may purchase hunting, fishing, trapping, seining, and fur dealer licenses and certificates of registration upon the same terms as a resident citizen.

**Virginia HB 2058/S826 – Act 269 (Signed 03/12/2007)** Relates to public notaries and electronic public notaries; rewrites the Notary Law to include electronic notarization and details the application and technology requirements for electronic notarization which includes providing proof of U.S. citizenship or an alien registration card.

**Virginia HB 2471 - Act 493 (Signed 03/19/2007)** Relates to special identification cards; provides for valid documentary evidence that the applicant is a citizen, legal permanent resident or a conditional resident alien; exempts an applicant whose date of birth is 1937 or earlier who has previously held a State issued driver's license or special identification card, provided that such license or card has not been expired for more than five years.

**Virginia HB 2653 – Chapter 509 (Signed 03/19/2007)** Provides for penalties for the illegal conveyance of firearms out of the Commonwealth; Prohibits dealers to sell, rent, trade or transfer any assault firearm to any person who is not a citizen of the United States or who is not a person lawfully admitted for permanent residence. Establishes documentation requirements.

**Vermont SB 53 - Act 61 (Signed 05/30/2007)** Clarifies when a suspension or revocation of a motor vehicle license, nondriver identification card, or registration takes effect; repeals the requirement that special plates or parking placards for persons with disabilities be renewed when the condition is permanent and stable. Relates to laws concerning driver licenses issued to U.S. citizens and legal aliens.

**Wyoming HB 313 – Chapter 214 (Signed 03/08/2007)** Creates a crime involving the use of false identity, citizenship or resident alien documents; provides a penalty and for seizure.

**To Governor:**

**Illinois SB 533 (To Governor)** Amends the Vehicle Code and the Unified Code of Corrections. Increases the

penalties for the offense of driving with a revoked driver's license, permit, or privilege to operate a motor vehicle, if the revocation was because of the offense of reckless homicide or a similar law of another state. The bill states that any defendant who is defined as an alien by the Immigration and Nationality Act may be subject to the (state?) Attorney General and subsequently deported.

**Illinois SB 1094 (To Governor)** Relates to the Firearm Owners Identification Card Act in the state of Illinois, specifically stating that an alien who has not been admitted into the United States under a non-immigrant visa is ineligible to receive the aforementioned identification card.

**Missouri SB 272 (To Governor)** Requires certain professionals to be U.S. citizens or legal resident aliens in order to receive the appropriate professional licensing (endowed care cemeteries, landscape architects, chiropractor training, funeral directors and embalmers, physical therapists, professional counselors, social workers, family therapists, pharmacy interns and real estate appraisers).

**Missouri H 780 (To Governor)** Expands license renewal extensions for professionals completing military service to include all professionals licensed by the Division of Professional Registration. Applicants must be citizens of the United States or be a legal resident alien.

**Nevada AB 584 (To Governor)** Provides that a driver of a commercial motor vehicle who has a concentration of alcohol of 0.04 or more but less than 0.08 in his blood or breath or is under the influence of a controlled or prohibited substance is subject to a criminal penalty; revises certain provisions governing the issuance and renewal of drivers' licenses and identification cards of US citizens and legal alien residents to comport with the federal Real ID Act; repeals the Driver License Compact.



## Law Enforcement (11)

*Eleven laws in 7 states: Arizona, Colorado, Maine, New York, Oklahoma, Tennessee, and Texas. One two three bills pending Governor's signature in Illinois.*

**Arizona HB 2016 - Act 178 (Signed 05/04/2007)** Provides for the detention of a material witness if testimony of a person is material in a criminal proceeding and if it is shown that it may become impracticable to secure the presence of the person by subpoena because of the immigration status of the person.

**Arizona HB 2181 - Act 255 (Signed 06/25/2007)** Provides funds for immigration law enforcement in the state of Arizona.

**Arizona HB 2787 - Act 261 (Signed 06/25/2007)** Amends Arizona law to deny release on bail for a felony if there is probable cause that the individual is an illegal alien.

**Arizona SB 1265 (Signed 07/02/2007)** Relates to the determination of an individual's country of citizenship after that person has been brought to the agency for incarceration; requires the agency to transmit any information regarding the individual's country of origin and criminal record to the court and the prosecuting agency for the purpose of determining whether that person is lawfully present in the United States and whether that person should be given the option of bail.

**Colorado HB 1040 (Signed - 06/01/2007)** Requires a no-bond warrant be issued in a criminal case when the defendant is determined to be illegally present in the country and the defendant is either removed from the country or is subject to removal, directs that such warrant be issued when a defendant who has posted a bond is released to the immigration and customs enforcement agency, requires that a defendant arrested on such warrant shall be taken into custody and held, prohibits court from dismissing criminal charges against such illegal person.

**Maine HB 864 - Act 209 (Signed 06/04/2007)** Relates to the right of federal officers with jurisdiction over

immigration, customs and border security matters to carry firearms.

**New York SB 2100 – Act 50 (Signed 04/09/2007)** Makes appropriations for services and expenses incurred by the department of correctional services for the incarceration of illegal aliens.

**Oklahoma HB 1618 (Signed - 04/17/2007)** Relates to law enforcement training. Police or peace officer certification in this state requires that trainee has provided proof of United States citizenship or resident alien status, pursuant to an employment eligibility verification form the United States Citizenship and Immigration Services.

**Tennessee HB 600 – Act 242 (Signed 06/01/2007)** Concerns criminal offenses, prohibits the transportation of illegal aliens into the state, imposes a fine for such violation, requires that money received from such fines be applied to the costs associated with deportation of such illegal aliens.

**Tennessee SB 1604 – Chapter 165 (Signed - 05/15/2007)** Concerns Highway Patrol, requires the department of safety to negotiate a memorandum of understanding with federal authorities to train certain highway patrol officers to perform certain immigration law enforcement functions, authorizes highway patrol officers certified as trained under such an agreement to enforce federal immigration and customs laws in Tennessee.

**Texas SB 1470 (Signed 05/17/2007)** Establishes that if a person is convicted of a misdemeanor involving family violence the fact that if the defendant is not a citizen of the United States of America, a plea of guilty for the offense charged may result in deportation, the exclusion from admission to this country, or the denial of naturalization under federal law.

#### **To Governor:**

**Illinois HB 132 (To Governor)** An Act concerning criminal law. Whenever a defendant, who is an alien as defined by the Immigration and Nationality Act, is convicted of any felony or misdemeanor offense, the court after sentencing the defendant may, upon motion of the State's Attorney, hold sentence in abeyance and remand the defendant to the custody of the Attorney General of the United States or his or her designated agent to be deported.



### **Legal Services (3)**

*Three laws in three states: Indiana, Maryland and Oregon.*

**Indiana SB 445 (Signed 4/26/07)** An Act to amend the Indiana Code concerning courts and court officers. Regulates notary publics, including prohibiting them from taking acknowledgement from a non-English speaker without having translated and read the instrument to them in their language.

**Maryland HB 51 (Signed 5/17/2007)** An Act concerning Creation of a State Debt – Maryland Consolidated Capital Bond Loan of 2007, and the Maryland Consolidated Capital Bond Loans of 2000, 2001, 2002, 2003, 2004, 2005, and 2006. There is an amount appropriated in this legislation for the development, with Catholic Charities, of an Immigrant Service Program Facility.

**Oregon HB 2356 – Act 61 (Signed 05/09/2007)** An act relating to attorneys; amending ORS 9.280. Makes it illegal to perform any duties that would be classified as immigration consultation without active status in the Oregon Bar.



## Miscellaneous (6)

*Six laws in five states: Florida, Kansas, Oklahoma, Oregon and Virginia.*

**Florida HB 275 – Act 242 (Signed 06/27/2007)** Motor vehicle, motor home, and vessel registration fees have an additional \$50 for aliens per 12 month period.

**Florida HB 985 – Act 196 (Signed 06/09/2007)** This legislation emplaces a \$100 fine on vehicles that fail to show the sticker that certifies that they are allowed to transport migrant or seasonal farm workers.

**Kansas HB 2140 (Signed 05/11/2007)** An Act Declaring English as the Official Language of the State of Kansas and Concerning Its Use by State Agencies and Political or Taxing Subdivisions. Requires all documents, instructions, and so forth be prepared in English and states that no office has to produce documents and instruction in any language other than English, but may at their discretion.

**Oklahoma SB 816 (Signed 05/14/2007)** Relates to the tax rate of nonresident aliens. Defines a tax of eight percent instead of thirty percent as used in the Internal Revenue Code, with respect to the Oklahoma taxable income of such nonresident aliens.

**Oregon SB 118 – Act 223 (Signed 05/31/2007)** Authorizes the Governor to declare abnormal disruption of market under specified circumstances, prohibits merchants and wholesalers from charging unconscionably excessive prices for essential consumer goods or services during a declaration of abnormal disruption of market. The act includes as an emergency a crisis influx of migrants unmanageable by a county.

**Virginia HB 1673 – Act 849 (Signed 04/11/07)** Establishes the Virginia Commission on Immigration (the Commission) in the executive branch of state government. The purpose of the Commission is to study, report, and make recommendations to address the costs and benefits of immigration on the Commonwealth, including the impact on education, health care, law enforcement, local demands for services and the economy, and the effect on the Commonwealth of federal immigration and funding policies.



## Public Benefits (15)

*15 laws in 11 states: California, Colorado, Idaho, Indiana, Kansas, Maryland, Texas, Utah, Vermont, Washington and West Virginia. One bill is pending Governor's approval in Ohio.*

**California SB 330 (Signed 07/02/2007)** Extends all public benefits from housing support, to income support, to educational support, etc. to migrant workers in California and requires agencies distributing benefits to comply including community action agencies.

**Colorado HB 1255 (Signed 05/14/2007)** Allows a court in a child-custody proceeding to consider the probability that a party will abduct a child to another state or a foreign jurisdiction. Enables the court to issue an abduction prevention order with provisions the court determines necessary to protect the safety of the child after it finds evidence of a credible risk of abduction if the petitioner or respondent is undergoing a change in immigration or citizenship status that would adversely affect the respondent's ability to remain in the United States legally.

**Colorado HB 1314 (Signed 3/1/07)** Requires proof of lawful residence in the United States for receipt of public benefits.

**Colorado SB 165 (Signed 3/22/07)** An Act Concerning a Supplemental Appropriation to the Department of Human Services appropriating money for "Systematic Alien Verification."

**Idaho S.B. 1157 (Signed 3/30/07)** Requires the verification of lawful presence in the United States of natural persons in order to receive public benefits. Provides for penalties.

**Indiana SB 504 (Signed 5/4/07)** This legislation sets requirements for "qualified aliens" for TANF and requires verification of legal residence.

**Kansas SB 18 (Signed 04/05/2007)** Enacts the Uniform Child Abduction Prevention Act, sets guidelines for judges to determine when a child is at risk for abduction, including whether the petitioner or respondent is undergoing a change in immigration or citizenship status that would adversely affect the respondent's ability to remain in the United States legally.

**Kansas HB 2599 (Signed 05/11/2007)** This legislation describes which benefits immigrants may receive and are excluded from and requires verification.

**Maryland HB 50 (Signed 5/8/07)** Includes monies for immigrant programs, benefits, and supplements benefits in some areas, such as healthcare, when legal immigrants would be excluded from federal benefits.

**Maryland SB 6 (Signed 3/22/07)** Defines what benefits and aid legal immigrants may receive and the requirements they must meet to attain those benefits.

**Texas SB 589 (Signed 6/15/07)** An Act relating to Temporary Assistance for Needy Families (TANF) employment programs and participation in those programs by certain parents who are not TANF recipients. Makes legal status and verification a requirement for TANF.

**Utah SB 35 – (Signed 3/14/2007)** Enacts the Uniform Child Abduction Prevention Act, sets guidelines for judges to determine when a child is at risk for abduction, including whether the petitioner or respondent is undergoing a change in immigration or citizenship status that would adversely affect the respondent's ability to remain in the United States legally.

**Vermont H.B. 523 (Signed 5/17/07)** An Act Relating to Moving Families Out of Poverty. Establishes different social programs and prescribes boundaries for programs that would help immigrants who would be federally ineligible for certain benefits by supplementing them with state funds.

**Washington HB 1092 (Signed 5/15/07)** This legislation provides a \$14 million subsidy for facilities which house low income migrant, seasonal, or temporary farm workers.

**West Virginia SB 518 (Signed 4/3/07)** Defines eligibility for the West Virginia Works program and creates specific categories of immigrants for which exceptions are made.

#### **To Governor (2):**

**Ohio HB 119 (To Governor)** Defines state benefits for immigrants in terms of public education and for migrant workers mostly in terms of childcare and healthcare.

**Illinois HB 202 (To Governor)** Defines those capable of participating in youth-build programs and allows for migrant children among other categories.



#### **Voting**

*One bill in Arizona was vetoed by the Governor.*

#### **Vetoed:**

**Arizona HB 2403 (Vetoed 07/02/2007)** This legislation instructs county recorders in Arizona to reject any



application for voter registration that is not accompanied by satisfactory proof of citizenship and furnishes a list of documents that satisfy the requirement.



## Resolutions (38)

*38 Resolutions adopted in 14 states: Alabama, Arizona, Arkansas, Colorado, Delaware, Hawaii, Idaho, Illinois, Nevada, New Mexico, South Carolina, Utah, Vermont and Washington.*

**Alabama HR 344 (Signed 4/26/07)** Encouraging Voting Officials to Allow Only Citizens of the United States to Vote and to Prosecute Those Who Illegally Vote and Those Who Encourage Illegal Voting. This resolution notifies groups that would be involved in the act or a judicial response to the act that illegally voting or registering can be charged with a "Class C" felony.

**Alabama SJR 22 (Signed 6/7/07)** This joint resolution establishes the Join Interim Patriotic Immigration Commission, outlines its duties, responsibilities, purpose and membership.

**Arizona HCM 2012 (Signed 4/18/07)** Urging the President of the United States to Change the Rules of Engagement for National Guard Troops for Defense of the Border with Mexico. This memorial requests that the rules of engagement for National Guard troops on the Mexican border be changed to allow soldiers to defend against, engage, pursue and apprehend illegal entrants and that the National Guard should be placed in a primary enforcement role until the Border Patrol receives its full complement of officers as approved by Congress.

**Arizona HCR 2007 (Signed 4/3/07)** Expressing Support for the Placement of Poland on the Visa Waiver Program List.

**Arizona SM 1003 – (Signed 2/20/07)** Urging the Congress of the United States to Enact Legislation Repealing the Privacy Violations Contained in the Real ID Act of 2005. This legislation requests that the U.S. Congress take immediate action enacting legislation to amend the REAL ID Act or repeal segments.

**Arizona SM 1004 – (Signed 4/30/07)** Encouraging the United States Congress to Continue the Funding and completion of SBInet, a program that assists in the apprehending and processing people who cross Arizona's border illegally; facilitates legitimate cross-border travel and commerce. This memorial requests that the Congress continue funding and completion of SBI-net by the target date of 12/31/08.

**Arkansas HR 1003 – (Signed 3/29/07)** Requesting the President of the United States and the Congress to Secure Our Nation's Borders and to Develop a Comprehensive Immigration Policy. This legislation requests comprehensive immigration policy and specifically requests: (1) Securing our nation's borders by stopping unlawful entry that is now made by many means of transportation; (2) Developing a guest worker program (this does not mean amnesty) that efficiently and quickly processes applicants for guest worker status while adequately screening applicants for criminal backgrounds and employability; (3) Developing a guest worker taxation system that, in addition to emergency services, would be used to provide limited basic health care services to guest workers; (4) Cooperating with and assisting other countries in developing procedures and databases in those countries necessary for criminal background checks, the listing of each citizenship held, the employment skills, and the educational background of a visitor or immigrant to the United States; and (5) Cooperating with the State of Arkansas and other states in order to address current problems faced in the states by the illegal immigration that now exists.

**Colorado HR 1008 – Chapter 245 (Signed 05/17/2007)** Concerning Federal Reimbursement for Costs Associated with the Incarceration of Undocumented Nationals in Colorado. This legislation asks the federal government for reimbursement for judicial costs concerning illegal immigrants.

**Delaware HR 32 ( Signed 06/27/2007)** This resolution directs the Delaware Economic Development office to study the costs and impact of undocumented immigration on Delaware.

**Hawaii HR 94 – (Signed 5/14/07)** Requesting the Department of Health to Convene a Task Force to Investigate

and Coordinate the Provision of Medical and Social Services to Migrants from Freely Associated States. This resolution requests the convening of a task force concerned with providing services to migrants from Micronesia, the Marshall Islands, and Palau.

**Hawaii HR 162 - (Signed 5/14/07)** Requesting the Department of Human Services to Facilitate Provision of Social Services to Non-Citizen Victims of Human Trafficking. The resolution seeks to provide services to non-citizen victims of human trafficking in Hawaii.

**Hawaii HR 229 - (Signed 5/14/07)** Requesting the speedy issuance of visas for family reunification.

**Hawaii HR 250 - (Signed 4/12/07)** Expressing Support for International Education. This legislation expresses Hawaii's support for international education pulling students into the state and cites it as key to the state's future.

**Hawaii HCR 190 - (Signed 5/14/07)** Requesting the United States Congress to Enact H.R. 1287 and S. 671 relating to Filipino family reunification, or similar legislation, to provide priority issuance of visas to Filipino Veterans' Children with Approved Immigration Petitions.

**Hawaii SR 13 - (Signed 3/13/07)** Opposing the Creation of a National Identification Card and the Implementation of the Real ID Act of 2005. This resolution asks Congress to repeal the REAL ID Act of 2005.

**Hawaii SR 18 - (Signed 3/15/07)** Requesting Enactment of H.R. 901/s. 4070, "Filipino Family Reunification", or Similar Legislation that Grants the Priority Issuance of Visas to Veterans' Children with Approved Immigration Petitions.

**Hawaii SR 21 - (Signed 3/29/07)** Condemning the United States Citizenship and Immigration Services' Fee Increase. This resolution recognizes the addition that immigrants make to Hawaii and expresses disdain towards the USCIS fee increase.

**Hawaii SR 113 - (Signed 4/18/07)** Expressing Support for International Education. This legislation expresses Hawaii's support for international education pulling students into the state and cites it as key to the state's future.

**Hawaii SR 142 - (Signed 4/20/07)** Requesting the Department of Attorney General to Convene a Task Force to Investigate and Coordinate the Provision of Medical, Educational, Housing, and Social Services to Migrants from Freely Associated States. This resolution requests the convening of a task force concerned with providing services to migrants from Micronesia, the Marshall Islands, and Palau.

**Hawaii SR 144 - (Signed 4/20/07)** Requesting the Department of Human Services to Conduct a Statewide Needs Assessment of Non-Citizen victims of Human Trafficking. The resolution seeks to provide services to non-citizen victims of human trafficking in Hawaii.

**Hawaii SCR 31 - (Signed 5/9/07)** Opposing the Creation of a National Identification Card and the Implementation of the Real ID Act of 2005. This resolution expresses Hawaii's dislike of REAL ID and the idea of a National ID card and asks Congress to repeal the REAL ID Act of 2005.

**Hawaii SCR 41 - (Signed 5/9/07)** Strongly Opposing the Fee Increases Proposed by the United States Citizenship and Immigration Services. This resolution recognizes the addition that immigrants make to Hawaii and expresses disdain towards the USCIS fee increase.

**Hawaii SCR 173 - (Signed 5/9/07)** Expressing Support for International Education. This legislation expresses Hawaii's support for international education pulling students into the state and cites it as key to the state's future.

**Hawaii SCR 220 - (Signed 5/9/07)** Requesting the Department of Human Services To Conduct a Statewide Needs Assessment of Non-Citizen Victims of Human Trafficking. The resolution seeks to provide services to non-citizen victims of human trafficking in Hawaii.

**Idaho HJM 3 - (Signed 3/13/07)** Stating findings of the Legislature affirming the state's support of the United States' campaign to secure our country and urging members of Idaho's congressional delegation to support measures to repeal the federal REAL ID Act of 2005.

**Illinois HR 71 - (Signed 4/24/07)** This resolution asks Congress to pass a Constitutional Amendment to allow

those who attained permanent resident status by the age of one to run for President. It would affect children adopted from outside of the U.S.

**Illinois HJR 27 – (Signed 5/22/07)** This resolution expresses opposition to the REAL ID Act and asks that it be repealed.

**Nevada AJR 6 – (Signed 5/14/07)** Urging Congress to Repeal the REAL ID Act of 2005.

**New Mexico HM 15 – (Signed 02/19/2007)** Requesting Congress to Develop and Implement a National Immigrant Worker Program.

**New Mexico HJM 3 – (Signed 04/11/2007)** Requesting that the Federal Government Provide Greater Funding and Assistance to the State of New Mexico to Offset the Disproportionate Financial Cost of Being a Border State.

**New Mexico HJM 26 – (Signed 04/11/2007)** Requesting the New Mexico Legislative Council to Create the Interim Border Security and Border Affairs Committee. This joint memorial creates a committee that will report back by January 1, 2009 that will be charged with researching and developing solutions and recommendations for strengthening the border in New Mexico while not restricting and even boosting the border economy. It will examine any additional issues having to do with the border.

**New Mexico HJM 29 – (Signed 04/11/2007)** Supports Sunland Park's efforts to have the federal government establish a vehicle and pedestrian, noncommercial customs port of entry at the International border between Ciudad Juarez-Anapra, Mexico, and Sunland Park, New Mexico.

**New Mexico SJM 7 – (03/12/2007)** Supports Sunland Park's efforts to have the federal government establish a vehicle and pedestrian, noncommercial customs port of entry at the international border between Ciudad Juarez-Anapra, Mexico, and Sunland Park, New Mexico.

**South Carolina S.B. 531 (Adopted by the S.C. Senate 3/7/07).** Requests the governor of South Carolina to declare by executive order that no illegal alien is eligible to receive any services or assistance provided by the department of social services or any other state agency to the extent allowed by law.

**South Carolina HB 3989 (Adopted on 05/31/2007)** To Memorialize Congress to Repeal or Decline Implementation of the "Real ID Act of 2005" and to Oppose the Creation of a Federal National Identification.

**Utah HJR 14 – (Signed 3/13/07)** This Joint Resolution of the legislature gives the Legislative Management Committee items of study it may assign to the appropriate interim committee. This joint resolution sets aside a wide area of topic for study for legislation, most specifically relating to immigrant populations are requests to study the identity theft impact of illegal immigrants and human trafficking.

**Vermont SJR 22 – (Signed 4/13/07)** Joint Resolution Urging Congress to Enact S. 340 or H.R. 371, the "Agricultural Job Opportunities, Benefits, and Security Act of 2007". This joint resolution states the tremendous value of immigrant and migrant workers to Vermont and requests that Congress pass said act.

**Washington SCR 8404 – (Signed 4/12/07)** This legislation approves the 2006 update to the state comprehensive plan for workforce training entitled "High Skills, High Wages." This update includes increases in adult basic education and English training along with skill training for immigrants.



<http://www.ncsl.org/programs/immig/6ImmigEnactedLegis3.htm>

For the "Overview of State Legislation Related to Immigration and Immigrants in 2007", of April 18, 2007, please go to: <http://www.ncsl.org/programs/immig/2007StateLegislationImmigration.htm>

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